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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fifth and sixth periodic report of States parties

Addendum

China*

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* The present document is being issued without formal editing. The combined fifth and sixth periodic report of China was received by the Secretariat on 04 February 2004. For the initial report submitted by the Government of China, see CEDAW/C/5/Add.14, which was considered by the Committee at its third session. For the second periodic report submitted by the Government of China, see CEDAW/C/13/Add.26, which was considered by the Committee at its eleventh session. For the combined third and fourth periodic report submitted by the Government of China, see CEDAW/C/CHN/3-4 and CEDAW/C/CHN/3-4/Add.1 and Add.2, which was considered by the Committee at its twentieth session. For the fifth and sixth periodic report submitted by the Government of China, see CEDAW/C/CHN/5-6.

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* To be made available to the members of the Committee in the languages in which they were received.

N	**Labour force by sex and by age (%) (excluding foreign domestic helpers)**
O	**Labour force participation rate by sex and by age (excluding foreign domestic helpers)**
P	**Employed persons by educational attainment and by sex (%) (excluding foreign domestic helpers)**
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Second Report under the Convention on the Elimination of All Forms of Discrimination against Women

Preface

1. The Convention on the Elimination of all Forms of Discrimination against Women (the 'Convention' or CEDAW) was extended to Hong Kong, at the consent of the People's Republic of China and the United Kingdom of Great Britain and North Ireland, on 14 October 1996. The Government of the People's Republic of China notified the Secretary-General of the United Nations that the Convention would apply to the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) with effect from 1 July 1997.

2. As part of the combined third and fourth periodic reports of China, the Initial Report on the implementation of the Convention in the HKSAR was submitted in August 1998. This was later considered by the Committee on the Elimination of Discrimination against Women in February 1999.

The Second Report

3. In accordance with Article 18 of the Convention, the Government of the People's Republic of China is obliged to submit its Second Report on the implementation of the Convention in the HKSAR. The report is divided in two parts. Part I is a 'General Profile of the Hong Kong Special Administrative Region' and provides background information on HKSAR. Part II provides specific information in relation to each provision of the Convention.

4. In preparing the Second Report, the HKSAR Government consulted widely with the public and received comments and views from many interested parties, including local women's groups. Many of their views have been addressed in the Report.

5. Since the HKSAR's previous report, a number of administrative and legal measures have been taken to advance the status of women in Hong Kong. Some of the more important measures are highlighted in this preface to give a more comprehensive picture of women's status and well-being. Details of these and other initiatives are included in Part II of this report.

General State of Women in Hong Kong

6. Hong Kong is a free and vibrant city that offers ample opportunities for women. These can be seen in the ever increasing contribution that women in Hong Kong are making to the development of economic, political and social life of the community. Many of them are prominent leaders in their fields. In the HKSAR Government, the Secretary for Justice, the Secretary for Environment, Transport and Work, and the Secretary for Security are women. The President and House Committee Chairperson of Legislative Council are women, and the women Members are among the most active and forceful ones in the Council. Many influential opinion leaders in Hong Kong are women. The Ombudsman is also a woman. In the private sector, the number of women entrepreneurs has been increasing, and more and more women are occupying senior management and professional positions.

7. Since mid-1997, the proportion of women in Hong Kong[1] has risen from 50.1% of the population to 51.5%[2] by end 2002. Women made up 44% of the labour force, or 1.5 million people, in 2002. Despite an economic downturn over the past four years, the labour force participation rate for females rose from 47.9% in 1997 to 52% by 2002. Women also make significant contributions through unremunerated work, in particular looking after their families and voluntary service. Women are entitled to equal pay for the same work as male counterparts. Pregnant employees are entitled to maternity leave, maternity leave pay, employment protection and health protection. More than one-third of civil servants are females, while women account for 24% of top-level posts (i.e. directorate level). More women are also entering traditional male-dominated fields such as medicine, engineering and law.

8. As noted in our Initial Report, the introduction of nine years' free and universal basic education in 1978 provided girls with equal education opportunities to boys. In recent years, more than half of university first-degree graduates have been women. More women are entering professional studies at university, and more are taking up government-funded post-graduate studies. In 2000-01, females accounted for 54% of all graduates of University Grants Committee funded undergraduate programmes and 47% of post-graduate programmes.

9. We are, however, not complacent about the present situation. Despite the progress made, obstacles still remain to the advancement of women in Hong Kong. In moving towards a more globalised and knowledge-based society, Hong Kong, like many other economies, is faced with the challenge of economic restructuring. Although the unemployment rate of women[3] (6.8% in 2002) is lower than that of men in general (8.4% in the same period), many middle-aged women, in particular those with lower education levels, have encountered difficulties entering or rejoining the workforce or accessing continuing education opportunities. A relatively larger proportion of women are engaged in lower-income jobs and casual labour. We are aware of the need to upgrade their skills so that they can fully participate in the economy and develop their potential. We are also mindful that women's median monthly employment earnings had dropped from 83% in 2001 to 79% in 2002 in respect to that of men's which could reflect increasing disparity between female and male population, and hence a need to empower the less privileged women in the community.

10. The advancement of women could be further enhanced if the root of the problem, i.e. gender prejudices and stereotyping, was removed. While traditional values are changing, nonetheless, there are still prejudiced misconceptions on the roles, values, images and abilities of the two sexes, which hinder women from developing their potential to the full. Changing these misconceptions and stereotyping are long-term tasks that will require sustained public education efforts.

Legislative Protection for Women and the Equal Opportunities Commission

11. As stated in the Initial Report, the Sex Discrimination Ordinance (SDO), which protects women against discrimination, came into full effect in December 1996. It prohibits unlawful discrimination on the grounds of sex, marital status or pregnancy in specified areas of activity, such as

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[1] including foreign domestic helpers, who amount to around 237,000 people in end 2002

[2] provisional figure

[3] excluding foreign domestic helpers

employment and education. The Ordinance outlaws sexual harassment as well as discriminatory practices, including the publication of discriminatory advertisements. It provides for the establishment of an independent statutory body, the Equal Opportunities Commission (EOC), with the Chairperson and Members appointed by the Chief Executive of the Government of HKSAR. The EOC is responsible for eliminating sex discrimination and promoting equal opportunities between women and men.

12. The EOC is tasked to handle complaints, encourage conciliation between parties in dispute, provide assistance to aggrieved persons, and undertake public education and research programmes to promote equal opportunities in the community. It organises training programmes, talks and seminars to stakeholders and the general public on equal opportunities and anti-discrimination ordinances. It also conducts reviews on existing systems and policies from the perspective of equal opportunities. In order to promote equal opportunities more effectively, EOC partners with stakeholders in conducting researches and publicity work. For example, to remove digital barriers and enhance the capacity of all women to become full members of the knowledge-based economy, the EOC relays the problems faced by women in accessing information technology (IT)training and facilities to the respective government departments and works closely with the IT industry.

13. The EOC plays a key role in promoting sex equality and its work is highly valued by Government. To support its effective and efficient operation, the Government allocates an annual funding of over HK$80million (US$10.26million) to the EOC (which is the main source of funding) for its work, which includes undertaking strategic litigation to provide redress to individual grievances and systemic defects and to establish legal principles. Strategic litigation also serves as a means to educate the public on the anti-discrimination laws. Being the anti-discrimination watchdog, EOC enjoys a high degree of independence, as evidenced by the fact that it actually advised and even litigated against Government departments. A famous example is the court case of Secondary School Places Allocation System, the details of which is at Annex C.

14. Over the past four years, the Government has introduced various legislative amendments to further protect women's well-being. The Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill 1999, passed in 2000, empowers law enforcement agencies to take intimate and non-intimate samples to combat serious crimes including sexual offences. Amendments to the Evidence Ordinance abolished the corroboration rules in sexual offence cases, which worked to the disadvantage of victims, who are mostly women. To address the problem that people are not allowed to testify against their spouses in criminal proceedings, including domestic violence and marital rape cases (in which most victims are women), the Evidence (Miscellaneous Amendments) Bill 2002 is introduced to enable and to compel the spouses to give evidence in certain criminal proceedings. The Bill is now being scrutinised by the Legislative Council. In 2002, amendments to the Crimes Ordinance made it clear that marital rape is unlawful. The beneficiaries of such amendments are likely to be women.

The Women's Commission

15. To further promote the well-being and interests of women, the Women's Commission was set up in January 2001. It is a high level, central mechanism tasked to advise the Government on a long-term vision and strategy for the development and advancement of women. It seeks to address

women's needs and concerns more holistically and effectively. Annual funding of some HK$20 million (US$2.56 million) supports the work of the Commission, which is assisted by the Women's Division of the Health, Welfare and Food Bureau.

16. The Women's Commission's Mission is: "To enable women to fully realise their due status, rights and opportunities in all aspects of life". In pursuing this Mission, the Commission has identified three priority areas for action: incorporating women's needs and concerns in policy making, or gender mainstreaming; empowerment of women; and public education. The Government and the Commission are working closely together to help women realise their full potential and to eliminate gender prejudices.

Promoting the Advancement of Women : Gender Mainstreaming, Empowerment, and Public Education

Gender Mainstreaming

17. To provide an environment conducive to women's development, society needs to be sensitive to their needs and concerns. Gender mainstreaming is the integration of gender perspective in legislation, policies or programmes. It makes women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of all legislation, policies and programmes. It seeks to ensure that women and men have equitable access to, and benefit from, society's resources and opportunities, with the aim of achieving women's advancement and gender equality.

18. As Government policies and programmes have a significant impact on women's well-being, it is important to take into account women's needs and perspectives in the formulation and review of public policies, programmes and legislation. By integrating gender perspectives in these processes, better decisions can be reached. The Women's Commission has already developed a gender mainstreaming 'checklist' that has been tested in a few policy areas and it is now being refined. It will be gradually introduced into more policy areas, with the full support of the Government.

19. The collection and compilation of sex-disaggregated data are important for gender analysis and gender sensitive policy-making. Since 2001, the Census and Statistics Department has produced two annual reports on key statistics on women and men in Hong Kong. To better understand the contribution made by women in all spheres, including homemaking and unpaid voluntary work, a survey on the time use pattern of women and men in the economy was conducted in 2001-02. Another survey on positions occupied by women in the private and non-governmental sectors was conducted in 2002.

20. To facilitate the inclusion of women's perspectives in the policy formulation, legislation and implementation stages, gender-related training programmes are offered to civil servants to raise their awareness. By enhancing gender sensitivity in the decision making process, our goal is to ensure that women and men have equitable access to, and benefit from, society's resources and opportunities.

Empowerment

21. In empowering women, it is important to engage women in the community's decision-making process. Active measures are being taken to increase the participation of women in

Government advisory and statutory bodies[4], an important part of Hong Kong's governance structure. Enhancing women's participation enables women's views and perspectives to be fully reflected and taken into account in the decision making process. All Government bureaux and departments have been asked to take gender composition into consideration when making appointments to boards and committees. Bureaux and departments are expected to take proactive measures to reach out, identify and cultivate women who are able and willing to contribute to the work of the community. A special exercise has been conducted to include more female talent in the database from which candidates for boards and committees are often drawn.

22. The Women's Commission has taken the initiative to encourage and promote good empowerment practices across all sectors of the community. In supporting the development of new service models, the Women's Commission encourages women to engage in self-reliance and mutual help instead of relying on assistance.

23. The Women's Commission recognises that the empowerment of women involves two levels : capacity building for women at the individual level; and, the creation of an enabling environment within society for women to develop their potential. The Commission seeks to help Hong Kong women make informed choices, to develop and achieve their potential and meet future challenges. Through empowerment, the Commission aims to allow women to participate more fully in all aspects of community life.

Public Education

24. Efforts by the Government and the Women's Commission to promote gender mainstreaming and empower women will not be effective unless we address society's preconceived notions, roles and stereotypes of women. To address these problems, the Women's Commission has launched a large scale media publicity programme, and held a conference to raise public awareness of gender-related issues and to reduce gender stereotyping.

Services for Women

25. A comprehensive range of services are provided to meet the needs of women, including health, education, employment and welfare services. In respect of health services, a cornerstone of the Government's health care policy is that no one should be denied adequate medical treatment because of lack of means. With accessible and high quality public health care services in place, the health status of women in Hong Kong has steadily improved. The expected lifespan[5] of women has increased from 83.2 years in 1997 to 84.7 years in 2002, compared to 77.2 years and 78.7 years for men over the same period. This compares favourably with those of most developed countries. The maternal mortality rate[5] of 4.2 per 100,000 live births in 2002 was one of the lowest in the world.

26. Each year, the Government inject substantial resources to education. Nine-year free and compulsory basic education is provided to girls and boys. The Government also provides continuing education and retraining opportunities to those who wish to upgrade their skills and knowledge and

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[4] There are about 600 advisory and statutory bodies in Hong Kong which advise the Government or discharge public functions on a wide range of matters affecting the lives of residents in Hong Kong. Members of the community are appointed to these bodies for their expertise, experience and interest in public service.

[5] The expected lifespan of women and men, and the maternal mortality rate in 2002 stated are provisional figures.

enhance their employability. Women make up the majority of the participants of re-training programmes. Employment services are also in place to assist those who wish to seek placements. IT training and computer workstations are provided to the public, with women as an important target group to enable women to reap the benefits of the digital era. A safety net is also in place to meet the basic needs of those in financial difficulty.

Employment-related Services

27. Hong Kong is now in the midst of economic restructuring brought on by globalisation, advances in IT, China's entry into the World Trade Organisation, and closer links with southern China economies. All of these will have a far-reaching impact on Hong Kong society, and have brought challenges and opportunities for Hong Kong women. We are aware of the difficulties faced by unemployed women in seeking jobs and upgrading their skills. Working women shoulder the double pressure of work and taking care of their families. Some women are also in vulnerable positions and need assistance to help themselves.

28. The Government has been working hard to strengthen the IT capabilities of women so that they can seize new opportunities in the digital era. Under its Digital 21 Strategy, the Government has since 2000 introduced a package of initiatives to raise the IT awareness of women as well as their confidence and capability in using IT. Initiatives include provision of free IT awareness programmes to equip women with basic IT skills and provision of over 5,000 conveniently-located computer workstations with Internet connection throughout the city. In the 2002/03 financial year, the Government is spending HK$677 million (US$87 million) to promote IT awareness and use within the community.

29. The Government also plays a major role in providing training and retraining opportunities for women. Over the past two years, the Employees Retraining Board has each year provided over 100,000 training places, of which about three quarters were taken up by women. The courses, which include job-specific skills courses, clerical courses, computer applications and vocational languages, have helped increase the employability of women in Hong Kong.

30. The Government also provides a comprehensive range of free employment assistance and counselling services to help women job-seekers find suitable work. The services include a job matching programme that offers one-stop career counselling; job matching and referrals to relevant training and retraining programmes; a re-employment pilot programme for the middle aged; and the promotion of job opportunities in sectors with potential growth.

31. For women in more vulnerable positions, various forms of services and assistance are available to help them tie over their difficulties and integrate into society.

Services for Victims of Violence

32. Domestic violence is one of the most acute social problems. The Social Welfare Department tackles the problem through multi-disciplinary co-ordination, public education, co-ordination of community resources, and early identification and intervention activities. An inter-departmental Working Group on Combating Violence was set up in 2001, through amalgamation of two Working Groups to better address domestic and sexual violence issues. The Government adopts a

'zero-tolerance' approach to these and additional resources have been provided for services for victims, who are mostly women.

33. To enhance service delivery, additional social workers have been provided to the three refuge centres for women suffering from domestic violence as well as the Family and Child Protective Services Units, which are specialised units of the Social Welfare Department responsible for handling cases of child abuse, spouse battering and child custody disputes. To strengthen support provided to domestic violence victims, an additional refuge centre was established in 2002. The Conditional Tenancy Scheme of the Housing Authority was extended in November 2001 to cover victims of spouse battering who are undergoing divorce proceedings, who have no offspring or bring along no dependent children when leaving their matrimonial homes, and who have genuine and imminent housing problems.

34. To provide a one-stop service for victims of sexual violence, a non-governmental organisation has started operating a pilot sexual violence crisis centre (the RainLily) with the support of the Government and funding support from the Hong Kong Jockey Club Charities Trust. Services include a hotline, round-the-clock outreach and escorting, crisis intervention, counselling, therapeutic group, arrangement of medical examination, legal services, etc.

35. The Family and Child Protective Services Units and non-governmental organisations have also pioneered batterers intervention programmes that include group work and men's hotlines to help address the problem at source.

Services for Single Parents

36. The Government is concerned about the welfare of single parents. At end-December 2002, 80% of single parents receiving Government financial support through the Comprehensive Social Security Assistance (CSSA) Scheme were women. Many single parent families are in need of other forms of support and assistance apart from financial help, but are reluctant to seek help. To minimize social exclusion of this group, the Social Welfare Department launched an 'Ending Exclusion Project' in March 2002 to promote social inclusion of single parents receiving welfare payments, and to encourage them to participate in paid employment. By December 2002, 2,397 single parents had participated in the project.

37. Apart from the Ending Exclusion Project, support services for single parents have also been enhanced. This has required a change to more pro-active service delivery that involves reaching out to families, matching them with appropriate supportive services (e.g. employment services, childcare services, etc) and building up a support network among themselves. As part of these enhanced support services, non-governmental organisations now operate five single-parent centres, with financial support from the Government, to provide one-stop service and support to single parents in need. The centres are focal points in providing a package of tailor-made services to assist single parents to overcome problems arising from single parenthood, restore resilience, build up a social network of support and mutual help and improve their capacity for employment and self-reliance. Services include parent education, stress management, family education, training and supervision on child-minding, job-related services, supportive groups, and outreaching to needy single parents to offer early intervention.

Services for New Arrival Women

38. To address the needs of new arrival women from the Mainland, the Hong Kong Government plays a co-ordinating role and maintains a close partnership with non-government organisations to facilitate early and smooth integration into society. A Steering Committee on New Arrival Services was set up to provide policy directives on services for new arrivals. Governmental and non-governmental organisations provide a wide range of services such as employment guidance, job-related training courses, orientation programmes, language classes, family and parent education programmes, counselling and referral services to reduce adjustment problems and enhance the self-reliance of women coming to live in Hong Kong from the Mainland. Regular surveys on the new arrivals are conducted to identify their service needs. Community education programmes are organised to promote community acceptance of new arrivals.

39. Supportive services to new arrival women have been strengthened by setting up four additional post-migration centres in February 2001, totalling eight. The centres focus on providing early intervention and strengthening the support network. The Administration also publishes handbook on information on various services to enable new arrivals to access various services when necessary. Two New Arrivals Employment and Guidance Centres have been established since 1997 to provide a comprehensive range of employment services tailor-made for new arrivals. The residential requirement for public housing has been relaxed to help those newly arrived women who have housing problems because of unexpected family changes.

Services for Women with Disabilities

40. The Government aims to provide equal opportunities and full participation in the community for people with disabilities. To enable women with disabilities to fully participate in the community, the Government has been actively promoting a barrier-free environment. The Disability Discrimination Ordinance that came into effect in 1996 offers protection to people with disabilities against discrimination, harassment or vilification in areas including employment, accommodation, education, access to premises, partnerships, vocational training, clubs and sporting organisations.

41. Rehabilitation services offered by both Government and non-governmental organisations to disabled women include prevention and assessment of a disability, medical rehabilitation, pre-school training, integrated and special education, vocational training and social rehabilitation. The Government is actively promoting 'A Society for All' to arouse public attention and enhance acceptance of the disabled in the community. In promoting self-reliance, the Government actively encourages the open employment of disabled persons through various new initiatives such as the Self-help Integrated Placement Service and the Trial Placement cum Mentor Scheme. In addition, the Government has worked with employers to provide on-the-job training opportunities as well as seed money grants to NGOs to set up small businesses that employ people with disabilities. IT awareness and training programmes have also been provided.

Working in Partnership with the Community for Betterment of Women

42. The HKSAR Government and the Women's Commission recognise and appreciate the important contribution that the non-governmental sector and community groups make in advancing the interests of women in Hong Kong. We are committed to working hand-in-hand with all sectors of the community in this cause. In order to adopt a more systematic approach, the Women's Commission

is developing a model of collaboration in conjunction with the non-governmental sector on identified priority issues.

43. To promote joint efforts between community groups, the private sector and the Government, a Community Investment and Inclusion Fund was established in 2002 with a view to building up social capital and further promoting a compassionate, caring and cohesive society. The Fund provides seed money to projects initiated by community groups (including women's groups and service agencies) and the private sector. The Fund aims to accomplish its objectives by encouraging bottom-up solutions that promote the development of social capital, and by supporting local or territory-wide community projects.

44. Women in Hong Kong have come a long way in the past few decades. But more needs to done, especially in the face of globalisation and the advent of the 'new economy'. The Government of the HKSAR is fully committed to advancing the interests and well-being of women in Hong Kong and we look forward to working closely with all sectors of the community in pursuing these goals.

Part I

General Profile of the Hong Kong Special Administrative Region

LAND AND PEOPLE

(a) Population by sex

Sex	Mid 1987 (million)	Mid 1992 (million)	Mid 1999 (million)	Mid 2000 (million)	End 2000 (million)	Mid 2001 (million)	End 2001 (million)	Mid 2002 (million)	End 2002# (million)
Male	2.9	2.9	3.3	3.3	3.3	3.3	3.3	3.3	3.3
Female	2.7	2.9	3.3	3.4	3.4	3.4	3.5	3.5	3.5
Total	5.6	5.8	6.6	6.7	6.7	6.7	6.8	6.8	6.8

# Provisional figures

(b) Population by age group and sex

Age	Sex	Mid 1987	Mid 1992	Mid 1999	Mid 2000	End 2000	Mid 2001	End 2001	Mid 2002	End 2002#
		Percentage of total population								
Under 15	Male	11.7	10.6	9.1	8.8	8.6	8.5	8.4	8.3	8.2
	Female	10.8	9.9	8.4	8.2	8.0	7.9	7.9	7.8	7.7
15-18	Male	3.3	2.9	2.9	2.9	2.8	2.7	2.7	2.6	2.6
	Female	3.0	2.7	2.7	2.7	2.6	2.6	2.5	2.5	2.5
(0-18)	*Male*	*15.0*	*13.5*	*11.9*	*11.6*	*11.4*	*11.2*	*11.1*	*11.0*	*10.8*
	Female	*13.8*	*12.6*	*11.1*	*10.8*	*10.6*	*10.5*	*10.4*	*10.3*	*10.2*
19-64	Male	33.1	33.3	32.5	32.5	32.5	32.5	32.5	32.4	32.3
	Female	30.2	31.6	33.6	34.1	34.4	34.6	34.8	34.9	35.0
65 and over	Male	3.4	4.0	4.9	5.0	5.1	5.2	5.2	5.3	5.4
	Female	4.5	5.0	5.8	5.9	6.0	6.0	6.1	6.2	6.3
All age groups	Male	51.4	50.8	49.4	49.2	49.0	48.9	48.8	48.6	48.5[6]
	Female	48.6	49.2	50.6	50.8	51.0	51.1	51.2	51.4	51.5

# Provisional figures

(c) Educational attainment (population aged 15 and above)[7]

Educational attainment	1986		1991		1996		2001		2002	
	Percentage									
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
No schooling/ kindergarten	7.0	21.6	7.1	18.5	5.1	13.8	4.6	12.0	3.4	10.2
Primary	30.8	27.7	26.1	24.3	22.7	22.6	20.4	20.6	20.7	21.3
Secondary and above	62.2	50.7	66.8	57.2	72.2	63.6	75.0	67.4	75.9	68.5
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

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[6] Since August 2000, population estimates have been compiled based on "resident population". Formerly, they were based on the "extended de facto" approach, which counted all Hong Kong Permanent and Non-Permanent Residents and visitors at a reference time-point. We have revised the population and related statistics for 1996 onwards on this basis.

[7] The figures for 1991 and 2001 derive from the Population Census taken in those years; those for 1986 and 1996 derive from the respective By-censuses. Those for 2002 are from the General Household Survey.

(d) **Literacy rate**[8] 1984:85.7%; 1996:90.4%; 2000:92.4%; 2001:92.7%; 2002:93.0%

(e) Percentage of population (excluding mutes) aged five and over by usual language/dialect

Usual language/dialect	Percentage 1991	 1996	 2001[9]
Cantonese	88.7	88.7	89.2
Putonghua	1.1	1.1	0.9
Other Chinese dialects	7.1	5.8	5.5
English	2.2	3.1	3.2
Others	1.0	1.3	1.2
	100.0	100.0	100.0

(f) Crude birth and death rates

	1987	1992	1998	1999	2000	2001	2002#
Crude birth rate (per 1,000 population)	12.6	12.3	8.1	7.8	8.1	7.2	7.1
Crude death rate (per 1,000 population)	4.8	5.3	5.0	5.0	5.1	5.0	5.0

# Provisional figures

(g) Life expectancy at birth (number of years)

Sex	1987	1992	1998	1999	2000	2001	2002#
Male	74.2	74.8	77.4	77.7	78.0	78.4	78.7
Female	79.7	80.7	83.0	83.2	83.9	84.6	84.7

# Provisional figures

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[8] The literacy rate refers to the proportion of persons aged 15 and above with educational attainment at primary or above. The figures derive from the General Household Survey.

[9] The figures for 2002 are not available.

(h) Infant mortality ratio (per 1,000 live births)

1987	1992	1998	1999	2000	2001	2002#
7.4	4.8	3.2	3.1	3.0	2.6	2.4

# Provisional figures

(i) Maternal mortality ratio (number of deaths per 100,000 registered live births)

1987	1992	1998	1999	2000[10]	2001	2002#
4.3	5.5	1.9	2.0	5.6	2.0	4.2

# Provisional figures

(j) Fertility rate

	1987	1992	1998	1999	2000	2001[11]
General fertility rate (per 1,000 women –excluding foreign domestic helpers - aged 15-49)	47.9	46.3	29.3	28.1	29.5	26.2

(k) Percentage of household heads by sex

Sex	1986	1991	1996	2001[12]
Male	73.0	74.3	72.8	71.2
Female	27.0	25.7	27.2	28.8

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[10] The apparently drastic increase in 2000 is a function of very low numbers. In 1999, there were 50,513 registered births and one death. In 2000, there were 53,720 registered births and three deaths. In 2001, there were 49,144 registered births and one death. In 2002, there were 48,119 registered births and two deaths.

[11] The drop in general fertility rate over the period 1987 to 2001 was associated with a number of factors like marriage postponement, postponement of low-order live births, curtailment of high-order births and unfavourable economic climate. The figure for 2002 is not available.

[12] The figures for 2002 are not available.

(l) Unemployment rate (%)[13]

1987	1992	1998	1999	2000	2001	2002
1.7	2.0	4.7	6.2	4.9	5.1	7.3

(m) Rate of inflation

(i) Composite Consumer Price Index (CPI)[14]

Year	Annual rate of change in CPI (%)
1990	10.2
1991	11.6
1992	9.6
1993	8.8
1994	8.8
1995	9.1
1996	6.3
1997	5.8
1998	2.8
1999	-4.0
2000	-3.8
2001	-1.6
2002	-3.0

(ii) Implicit price deflators of Gross Domestic Product (GDP)

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[13] Averages of the estimates obtained from the quarterly General Household Surveys for the four quarters of the year.

[14] The Composite CPI is compiled on the basis of the expenditure patterns of about 90% of Hong Kong households with an average monthly expenditure of HK$4,500 to HK$65,999 in the base period of October 1999 to September 2000. This approximately corresponds to a monthly expenditure range of HK$4,300 to HK$62,700 at 2002 prices.

Deflator year	(2000 = 100)	Annual rate of change (%)
1990	71.0	7.4
1991	77.5	9.2
1992	84.9	9.5
1993	92.1	8.5
1994	98.5	6.9
1995	101.0	2.5
1996	106.9	5.8
1997	113.0	5.7
1998	113.2	0.2
1999	106.6	-5.8
2000	100.0	-6.2
2001	98.6	-1.4
2002	95.9	-2.7

(n) Gross Domestic Product for 1990 to 2002

Year	At current market prices (US$ Million)[15]	At constant (2000) market prices (US$ Million)[16]
1990	75,442	106,236
1991	87,151	112,486
1992	102,224	120,358
1993	117,995	128,081
1994	133,252	135,242
1995	141,709	140,352

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[15] An exercise conducted in August 2002 resulted in major revision to the GDP series. The base year of the constant price GDP was also updated to year 2000 from 1990.

[16] Using the exchange rate of the respective year to convert the GDP at constant (2000) market prices for 1990-2002.

1996	156,572	146,434
1997	173,669	153,703
1998	165,249	146,009
1999	160,626	150,744
2000	165,362	165,362
2001	163,995	166,241
2002	162,980	169,982

(o) Per capita income

(Per capita GDP for 1990-2002)

Year	At current market prices (US$)	At constant (2000) market prices (US$)
1990	13,225	18,623
1991	15,151	19,556
1992	17,623	20,750
1993	19,996	21,705
1994	22,078	22,408
1995	23,019	22,799
1996	24,329	22,754
1997	26,762	23,686
1998	25,253	22,313
1999	24,313	22,818
2000	24,811	24,811
2001	24,386	24,720
2002	24,014	25,045

(p) External debt: the HKSAR Government does not incur external debts.

(q) Ethnic composition of the Hong Kong population

Population by ethnicity in 2001

Ethnicity	Males ('000)	Females ('000)	Both sexes ('000)	% share in total (%)
Chinese	3 202	3 163	6 364	94.9
Non-Chinese	83	261	344	5.1
Of which :				
Filipino	7	135	143	2.1
Indonesian	1	49	50	0.8
British	12	7	19	0.3
Indian	9	9	19	0.3
Thai	1	13	14	0.2
Japanese	8	7	14	0.2
Nepalese	7	5	13	0.2
Pakistani	7	4	11	0.2
Others	31	31	61	0.9
Total	3 285	3 423	6 708	100.0

GENERAL POLITICAL STRUCTURE

Constitutional document

2. In accordance with the provisions of Article 31 and sub-paragraph 13 of Article 62 of the Constitution of the People's Republic of China (PRC), and the relevant decisions of the National People's Congress (NPC) adopted at the Third Session of the Seventh NPC on 4 April 1990, the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) was established on 1 July 1997. The Basic Law of the HKSAR came into effect on 1 July 1997. Under the principle of

"One Country, Two Systems", the socialist system and policies are not practised in the HKSAR and Hong Kong's previous capitalist system and way of life will remain unchanged for 50 years. A copy of the Basic Law is at Annex 1.

3. To fully realise the principle of "One Country, Two Systems", the Basic Law sets out the broad framework of the relationship between the Central Authorities and the HKSAR (Chapter II); the fundamental rights and duties of Hong Kong residents (Chapter III); the political structure (Chapter IV); economic, financial and social systems of the HKSAR (Chapters V and VI); its conduct of external affairs (Chapter VII); and the interpretation and amendment of the Basic Law (Chapter VIII).

4. Among other matters, the Basic Law provides that -

(a) the HKSAR shall exercise a high degree of autonomy except in defence and foreign affairs and enjoy executive, legislative and independent judicial power, including that of final adjudication. The power of final adjudication of the HKSAR shall be vested in the Court of Final Appeal established in the Region;

(b) the executive authorities and legislature of the HKSAR shall be composed of permanent residents of Hong Kong;

(c) the laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravenes the Basic Law, and subject to any amendment by the legislature of the HKSAR;

(d) national laws shall not be applied in the HKSAR except for those listed in Annex III to the Basic Law and that the laws listed therein shall be applied locally by way of promulgation or legislation by the Region. The Standing Committee of the National People's Congress may add to or delete from the list of laws in Annex III after consulting the Committee for the Basic Law of the HKSAR and the HKSAR Government;

(e) the HKSAR is authorised to conduct relevant external affairs on its own. The HKSAR may on its own, using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields;

(f) the HKSAR remains a free port, a separate customs territory and an international financial centre. There shall be free flow of capital. HKSAR issues and manages its own currency;

(g) the HKSAR formulates its own policies on the development of education, science, culture, sports, labour and social services, and Hong Kong residents have the freedom of religious belief;

(h) Hong Kong residents enjoy a wide range of freedoms and rights and this will be further dealt with under the section of "General Legal Framework Within Which Human Rights Are Protected"; and

(i) the provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.

System of Government

Constitutional Development

5. The Basic Law prescribes a ten-year blueprint for the HKSAR's constitutional development between 1997 and 2007. It provides that the ultimate aim is the election of the Chief Executive and Members of the Legislative Council by universal suffrage.

6. The Chief Executive of the HKSAR is the head of the Region. The Executive Council assists him in policy-making. The Legislative Council of the HKSAR is the legislature of the Region - it enacts, amends or repeals laws, approves taxation and public expenditure, and raises questions on the work of the government. District Councils - established in accordance with Articles 97 and 98 of the Basic Law - are consulted on district administration and other affairs. There is an independent judiciary.

Chief Executive

7. The Basic Law provides that the Chief Executive of the HKSAR shall be selected by election or through consultations held locally and be appointed by the Central People's Government. The method for selecting the Chief Executive is to be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

8. The second term Chief Executive was elected by the 800-member Election Committee, in accordance with the Basic Law and the Chief Executive Election Ordinance of July 2001. The majority of the members on this Committee were elected by various community and functional groups representing, inter alia, labour, social services, grassroots, religious, professional, commercial and political sectors, and were broadly representative of different sectors of the community.

9. Annex I to the Basic Law further provides that amendments to the method for selecting the Chief Executive for the terms subsequent to the year 2007 may be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive. Any such amendments are to be reported to the Standing Committee of the NPC for approval.

Executive Council

10. The Executive Council assists the Chief Executive in policy-making. Under Article 56 of the Basic Law, except for the appointment, removal and disciplining of officials and the adoption of

measures in emergencies, the Chief Executive shall consult the Executive Council before making important policy decisions, introducing bills to the Legislative Council, making subordinate legislation, or dissolving the Legislative Council. The Chief Executive in Council also determines appeals, petitions and objections under those ordinances that confer a statutory right of appeal. If the Chief Executive does not accept a majority opinion of the Executive Council, he shall put the specific reasons on record.

11. The Council normally meets once a week, and its proceedings are confidential, although many of its decisions are made public. It is presided over by the Chief Executive. It has 19 members. As provided for in Article 55 of the Basic Law, Members of the Executive Council are appointed by the Chief Executive from among the principal officials of the executive authorities, Members of the Legislative Council and public figures. They are Chinese citizens who are permanent residents of the HKSAR with no right of abode in any foreign country. Their appointment or removal is decided by the Chief Executive. Their term of office may not extend beyond the expiry of the term of office of the Chief Executive who appoints them.

Legislative Council

12. Article 68 of the Basic Law provides that the Legislative Council of the HKSAR shall be constituted by election. The method for its formation shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage. Annex II to the Basic Law prescribes the composition of the Legislative Council during its first three terms as follows -

Membership	**First term** 1998-2000 (two years)	**Second term** 2000-2004 (four years)	**Third term** 2004-2008 (four years)
(a) elected by geographical constituencies through direct elections	20	24	30
(b) elected by functional constituencies	30	30	30
(c) elected by an election committee	10	6	-
Total	60	60	60

13. The second Legislative Council Election was held on 10 September 2000. The turnout rates for the geographical constituency, functional constituency and election committee elections were 43.57%, 56.5% and 95.53% respectively. The present (second term) Legislative Council assumed office on 1 October 2000.

14. Annex II of the Basic Law provides that amendments to the method for forming the Legislative Council after 2007 may be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive. Any such amendments are to be reported to the Standing Committee of the NPC for the record.

15. The powers and functions of the Legislative Council are specified in Article 73 of the Basic Law. These include enacting, amending or repealing laws in accordance with the provisions of the Basic Law and legal procedures; examining and approving budgets introduced by the government; approving taxation and public expenditure; receiving and debating the policy addresses of the Chief Executive; raising questions on the work of the government; debating any issue concerning public interests; endorsing the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court; and receiving and handling complaints from Hong Kong residents.

District Councils

16. The first District Councils Election was held on 28 November 1999. The total turnout rate for this election was 35.82%. The 18 District Councils came into being on 1 January 2000 by virtue of the District Councils Ordinance. The Councils advise the Government of the HKSAR on district affairs and promote recreational and cultural activities, and environmental improvements within their respective districts. District Councils comprise both elected members and appointed members. Additionally, in the case of District Councils in rural areas, the local Rural Committee Chairmen serve as ex-officio members. The HKSAR is divided into 390 constituencies, each returning one elected member. There are 102 appointed members and 27 ex-officio members.

17. Consequent to the District Councils Review conducted in 2001, the Administration has implemented recommendations to enhance both the role and functions of the District Councils as Government's key advisers on district affairs and their ability to influence the provision, delivery and management of district services and facilities. This helps to ensure that the Government remains accountable and responsive to the changing needs of the community.

Abolition of the Municipal Councils

18. The two Provisional Municipal Councils were dissolved after the terms of office of the members expired on 31 December 1999, pursuant to the Provision of Municipal Services (Reorganization) Ordinance, which was passed by the Legislative Council in December 1999. With a view to improving co-ordination and efficiency, the Government set up new dedicated agencies to be responsible for food safety, environmental hygiene and leisure and cultural services with effect from January 2000.

19. In a Judicial review of the Ordinance, the High Court ruled that the Provision of Municipal Services (Reorganization) Ordinance was consistent with the Basic Law and the ICCPR as applied to Hong Kong.

The structure of the Administration

20. The Chief Executive is the head of the Government of the HKSAR. If the Chief Executive is not able to discharge his duties for a short period, such duties shall temporarily be assumed by the three Secretaries of Departments, namely the Chief Secretary for Administration, the Financial

Secretary, or the Secretary for Justice, in that order of precedence. The Government of the HKSAR comprises a Department of Administration, a Department of Finance, a Department of Justice, and various bureaux, divisions, and commissions.

21. There are currently 11 bureaux, each headed by a Director of Bureau, which collectively form the Government Secretariat. With certain exceptions, the heads of government departments are responsible to the Secretaries of Departments and Directors of Bureaux. The exceptions are the Commissioner of the Independent Commission Against Corruption and the Director of Audit, who function independently and are accountable to the Chief Executive.

22. Following the implementation of a new accountability system for principal officials, the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice, and the 11 Directors of Bureaux are no longer civil servants. They are directly responsible to the Chief Executive and are accountable to him for the success or failure of matters falling within the portfolios as assigned to them. They are appointed to the Executive Council. Together with five non-official members of the Executive Council, they assist the Chief Executive in policy-making. Under the new accountability system, the civil service continues to remain permanent, meritocratic, professional and politically neutral.

The judicial system of the HKSAR

23. The legal system is firmly based on the rule of law and a Judiciary, which is independent of the executive authorities and the legislature.

24. Article 19 of the Basic Law provides that the HKSAR shall be vested with independent judicial power, including that of final adjudication. The courts of the HKSAR shall have jurisdiction over all cases in the Region, except that the restrictions on their jurisdiction imposed by the legal system and principles previously in force in Hong Kong shall be maintained. The courts of the HKSAR shall have no jurisdiction over acts of state such as defence and foreign affairs. The courts of the Region shall obtain a certificate from the Chief Executive on questions of fact concerning acts of state such as defence and foreign affairs whenever such questions arise in the adjudication of cases. This certificate shall be binding on the courts. Before issuing such a certificate, the Chief Executive shall obtain a certifying document from the Central People's Government.

25. The courts of justice comprise the Court of Final Appeal, the High Court (which consists of the Court of Appeal and the Court of First Instance), the District Court, the Magistrates' Court, the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court. The courts hear and determine all criminal trials and civil disputes, whether between individuals or between individuals and Government of the Region.

26. Article 82 of the Basic Law provides that the power of final adjudication of the HKSAR shall be vested in the Court of Final Appeal of the Region, which may as required invite judges from other common law jurisdictions to sit on the Court of Final Appeal. Article 83 further provides that the structure, powers and functions of the courts of the HKSAR at all levels shall be prescribed by law.

27. All judges and judicial officers must have qualified as legal practitioners in Hong Kong or in a common law jurisdiction and have substantial professional experience. Article 88 of the Basic

Law provides that "Judges of the courts of the HKSAR shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors."

28. Judges have security of tenure. Article 89 of the Basic Law provides that "A judge of a court of the HKSAR may only be removed for inability to discharge his or her duties, or for misbehaviour, by the Chief Executive on the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges. The Chief Justice of the Court of Final Appeal of the HKSAR may be investigated only for inability to discharge his or her duties, or for misbehaviour, by a tribunal appointed by the Chief Executive and consisting of not fewer than five local judges and may be removed by the Chief Executive on the recommendation of the tribunal and in accordance with the procedures prescribed in this Law."

GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

Rule of Law

29. The fundamental basis for the protection of human rights is the rule of law maintained by an independent judiciary (see paragraphs 24 to 29 above). The principles that inform the rule of law are -

(a) **the supremacy of the law**: no individual is punishable or can lawfully be made to suffer personally or financially except for a breach of law established before the independent courts. Where, under the law, an official or an authority has discretion to make a decision, that discretion must be exercised legally, fairly and reasonably. Where it does not do so, the decision must be capable of successful challenge before the courts. The Basic Law guarantees the right of Hong Kong residents to institute legal proceedings in the courts against the acts of the executive authorities and their personnel; and

(b) **equality before the law**: Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law. Article 22 provides that all offices set up in the HKSAR by departments of the Central People's Government, or by provinces, autonomous regions, or municipalities directly under the Central Government and personnel of these offices shall abide by the laws of the Region. Article 14 provides that members of the garrison shall, in addition to abiding by national laws of the PRC, abide by the laws of the HKSAR. Article 35 also provides that Hong Kong residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel. No government authority or official, and no individual, is above the law. All persons, regardless of race, rank, politics, religion or sex, are equal before the law and subject to the same law. Individuals and the HKSAR Government have the same access to the courts to enforce legal rights or defend an action.

30. Some commentators have argued that the principle of equality before the law was compromised by an amendment (in 1997) to the Interpretation and General Clauses Ordinance

(Chapter 1 of the Laws of the HKSAR). The amendment in question was an adaptation of the reference to the "Crown" by the "State" in section 66 of the Ordinance. Before 1 July 1997, section 66 used to provide that no ordinance was binding on the Crown unless it expressly stated, or necessarily implied, that the Crown was bound. After 1 July 1997, the reference to the "Crown" in section 66 had to be amended. The amendment to section 66 of Chapter 1 was simply made in order to preserve the substance of the law before 1 July 1997 and reflect the change of sovereignty.

Human rights guarantees in the Basic Law

31. Article 4 of the Basic Law provides that the HKSAR shall safeguard the rights and freedoms of residents of the HKSAR and of other persons in the Region in accordance with law. The Basic Law guarantees a wide range of freedoms and rights, including -

(a) equality before the law;

(b) freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike;

(c) freedom of the person; freedom from torture; freedom from arbitrary or unlawful arrest, detention or imprisonment; freedom from arbitrary or unlawful search of the body; and right against arbitrary or unlawful deprivation of life;

(d) freedom from arbitrary or unlawful search of, or intrusion into, one's home or other premises;

(e) freedom and privacy of communication;

(f) freedom of movement within the HKSAR and freedom of emigration to other countries and regions and freedom to travel and to enter or leave the Region;

(g) freedom of conscience; freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public;

(h) freedom of choice of occupation;

(i) freedom to engage in academic research, literary and artistic creation, and other cultural activities;

(j) right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies; right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel;

(k) right to social welfare in accordance with law; and

(l) freedom of marriage and right to raise a family freely.

Persons in Hong Kong other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed by Chapter III of the Basic Law. In addition, permanent residents of the HKSAR enjoy the rights to vote and to stand for election in accordance with law.

Effect of other human rights instruments in HKSAR law

32. According to Article 39 of the Basic Law -

> "The provisions of the ICCPR, the ICESCR and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.
>
> The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article."

33. In general, and as is usual in common law systems, treaties that apply to Hong Kong (including human rights treaties) do not themselves have the force of law in the domestic legal system of Hong Kong. They cannot directly be invoked before the courts as the source of individual rights. However, the courts will, when possible, construe domestic legislation in such a way as to avoid incompatibility with international treaties that apply to Hong Kong. The usual method of giving effect in local law to treaty obligations (when these require some change in existing laws or practice) is to enact specific new legislation[17]. Where this results in the creation or definition of specific legal rights and where these rights are denied or interfered with (or there is the threat of such action), a remedy will be available in the courts through the ordinary procedures of civil litigation; or the law may provide criminal sanctions.

Bill of Rights Ordinance

34. The Hong Kong Bill of Rights Ordinance (BORO) (Chapter 383 of the Laws of the HKSAR) was enacted in June 1991 specifically to give effect in local law to the provisions of the ICCPR as applied to Hong Kong. It achieves this by setting out a detailed Bill of Rights, the terms of which are almost identical to those of the ICCPR.

Adoption of laws: effect on the BORO

35. Article 160 of the Basic Law provides that the laws previously in force in Hong Kong shall be adopted as laws of the Region except for those which the Standing Committee of the NPC declares to be in contravention of the Basic Law. In February 1997, the Standing Committee considered that three sections of the BORO (relating to the interpretation and application of the Ordinance[18]) had an

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[17] An example is the Crimes (Torture) Ordinance (Chapter 427 of the Laws of the HKSAR) which was enacted to give effect in Hong Kong to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

[18] The three sections were -

(a) Section 2(3): "In interpreting and applying this Ordinance, regard shall be had to the fact that the purpose of this Ordinance is to provide for the incorporation into the law of Hong Kong of provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong, and for ancillary and connected matters."

(b) section 3: "Effect on pre-existing legislation -

(1) All pre-existing legislation that admits of a construction consistent with this Ordinance shall be given such a construction.

(2) All pre-existing legislation that does not admit of a construction consistent with this Ordinance is, to the extent of the inconsistency, repealed."

overriding effect over other laws, including the Basic Law. As such, they contravened the Basic Law and could not be adopted.

36. The non-adoption of these sections has no effect on the protection of human rights in the HKSAR in view of the constitutional guarantee in Article 39 of the Basic Law. The substantive protections in Part II of the Ordinance (almost identical to the provisions of the ICCPR) are unchanged. So too are the remedies provided under section 6 for contravention of the Ordinance and the binding effect on the Government and all public authorities under section 7. The full text of the BORO as it now stands is at Annex 2.

Legal aid

37. Eligible applicants receive legal aid through the provision of the services of a solicitor and a barrister in court proceedings, as necessary, to ensure that any person who has reasonable grounds for pursuing or defending a legal action is not prevented from doing so by lack of means. Publicly funded legal aid services are provided through the Legal Aid Department and the Duty Lawyer Service.

Legal Aid Department

38. The Legal Aid Department provides legal representation to eligible persons in both civil and criminal cases heard in the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the District Court and the Magistrates' Court (for committal proceedings). Civil legal aid is available to proceedings covering major areas of livelihood of the community ranging from family disputes to immigration matters and coroner's inquests. Applicants must satisfy the Director of Legal Aid of their financial eligibility (the means test) and of the justification for legal action (the merits test). The grant of legal aid is not subject to a residence requirement. In criminal cases, the Director has discretion to waive the upper limits of the means test if he considers it in the interest of justice to do so. He also has the same discretion in meritorious applications where a breach of the BORO or the ICCPR as applied to Hong Kong is an issue. Subject to the means test, it is mandatory to grant legal aid to an applicant charged with murder, treason or piracy with violence.

The Duty Lawyer Service

39. This Service complements the legal aid services provided by the Legal Aid Department. It operates three schemes that respectively provide legal representation (the Duty Lawyer Scheme), legal advice (the Legal Advice Scheme) and legal information (the Tel Law Scheme). The Duty Lawyer Scheme offers legal representation to virtually all defendants (juvenile and adult) charged in the Magistracies who cannot afford private representation. It also provides legal representation to persons who are at risk of criminal prosecution as a result of giving incriminating evidence in Coroner's inquests. Applicants are subject to a means test and merits test, based on the "interest of justice" principle in accordance with Article 14 of the ICCPR and Article 11 of the BORO. The Legal Advice Scheme and the Tel Law Scheme respectively provide members of the public with free legal advice through individual appointments and taped information on the legal aspects of everyday problems.

(c) Section 4: "Interpretation of subsequent legislation - All legislation enacted on or after the commencement date shall, to the extent that it admits of such a construction, be construed so as to be consistent with the International Covenant on Civil and Political Rights as applied to Hong Kong."

Legal Aid Services Council

40. The Legal Aid Services Council, an independent statutory body, was established in 1996. Its role is to oversee the provision of legal aid services by the Legal Aid Department and advise the Chief Executive on legal aid policy.

Office of The Ombudsman

41. The Ombudsman - formerly known as the Commissioner for Administrative Complaints (COMAC) - is an independent authority, established under The Ombudsman Ordinance (Chapter 397)[19]. The Ombudsman investigates and reports on grievances arising from maladministration. "Maladministration" includes such things as inefficient, bad or improper administrative decisions, acts, recommendations or omissions. Members of the public can complain directly to the Ombudsman, who can also initiate investigations on her own volition and may publish investigation reports of public interest. Additionally, the Ombudsman is empowered to investigate complaints of non-compliance with the Code on Access to Information.

42. The enactment of The Ombudsman (Amendment) Ordinance 2001 enables the Ombudsman to carry out her functions more effectively. The Ordinance establishes the Ombudsman as a corporation sole, with full statutory powers to conduct its own administrative and financial business. The Ombudsman is empowered to appoint her own staff and technical or professional advisers to assist in carrying out her duties. The Ordinance also enhanced the independent status of the Ombudsman by making it clear that the Ombudsman was not a servant or agent of the Government.

43. Subject to the Ombudsman Ordinance, the Ombudsman may obtain any information and documents from such persons as she thinks fit. She may summon any person to provide information relating to her investigations and may enter any premises of the organisations under her jurisdiction to conduct investigations. She also has sufficient means with which to ensure that her recommendations are heard and acted upon.

44. After investigating a complaint, the Ombudsman is empowered to report her opinion and reasons, together with a statement of any remedy and recommendation that is considered necessary, to the head of the organisation affected. If the recommendation is not acted upon within a reasonable timeframe, the Ombudsman may report the matter to the Chief Executive. She may also do so if she believes that there has been a serious irregularity or injustice done. Such reports are bound by law to be laid before the Legislative Council.

45. With two exceptions, the Ombudsman has jurisdiction over all Government departments of the HKSAR and major statutory bodies. The exceptions are the Police and the Independent Commission Against Corruption (ICAC). Complaints against these departments are handled by discrete, dedicated bodies (see paragraphs 49 and 50 below).

Equal Opportunities Commission

46. The Equal Opportunities Commission (EOC) was established under the Sex Discrimination Ordinance (SDO) in May 1996 and started full operation in September that year. The

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[19] Formerly known as the COMAC Ordinance.

Commission is responsible for conducting formal investigations, handling complaints, encouraging conciliation between parties in dispute, providing assistance to aggrieved persons in accordance with the SDO, the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO). It undertakes research programmes and public education to promote equal opportunities in the community. The Commission is also empowered to issue codes of practice to provide practical guidelines to facilitate public compliance with the laws on equal opportunities. Accordingly, it issued Codes of Practice on Employment in relation to the SDO and the DDO in December 1996. It issued a similar code in relation to the FSDO in March 1998. The Code of Practice on Education under the DDO was issued in July 2001 to assist educational establishments in fulfilling the requirements of the DDO.

Privacy Commissioner for Personal Data

47. The Personal Data (Privacy) Ordinance ("PDPO") provides for statutory control of the collection, holding and use of personal data in both the public and private sectors. Its provisions are based on internationally accepted data protection principles. It applies to personal data to which access is reasonably practicable whether they are in computerised, manual (for example, paper file), or audio-visual form. To promote and enforce compliance with its provisions, the Ordinance provides for an independent statutory authority - the Privacy Commissioner for Personal Data - with appropriate powers of investigation and enforcement. His responsibilities also include promoting awareness and understanding of the Ordinance, publishing codes of practice on how to comply with the Ordinance, and examining proposed legislation that may affect the privacy of individuals in relation to personal data.

Complaints and investigations

The Police

48. The Complaints Against Police Office (CAPO) investigates all complaints about the conduct and behaviour of members of the police force. The CAPO's investigations are monitored and reviewed by the Independent Police Complaints Council (IPCC). The IPCC is an independent civilian body comprising non-official members appointed by the Chief Executive from a wide spectrum of the community and include Members of the Legislative Council and the Ombudsman or her representative.

The ICAC

49. The Independent Commission Against Corruption Complaints Committee - established in 1977 - monitors and reviews the handling by the ICAC of non-criminal complaints against the ICAC and officers of the ICAC. Again, this is an independent committee appointed by the Chief Executive. The Committee comprises mainly of members of the Executive and Legislative Councils and a representative of The Ombudsman. Complaints against the ICAC or its officers can be made direct to the Committee as well as the ICAC at any of its offices. The investigation of such complaints is handled by a special unit of the Operations Department of the ICAC. When the unit has completed its investigation of a complaint, its conclusions and recommendations are submitted to the Committee for consideration.

Other disciplined services

50. Other disciplined services departments maintain clear guidelines and procedures for handling complaints. For example, the Correctional Services Department (CSD), which runs HKSAR's prisons, has a Complaints Investigation Unit to manage its internal grievance redress system for staff and prisoners. CSD staff and prisoners may also direct their complaints to the Ombudsman. The existing complaint channels are considered effective in view of the number and the nature of complaints handled.

51. The Immigration Department applies complaints procedures set out in the Immigration Service Standing Orders made by the Director of Immigration under the authority of the Immigration Service Ordinance. Complaints about abuse of authority or maltreatment by service members can be made to the Director of Immigration and are investigated promptly in accordance with the procedures in the Standing Orders. To ensure that all complaints are properly handled, a Complaints Review Working Party examines the results of investigations, conduct reviews and recommends follow-up action whenever necessary. Persons who consider that they have been improperly treated or that their cases have been mismanaged also have access to the Ombudsman. If there is prima facie evidence that a member of the Immigration Service has committed a criminal offence, the Immigration Service will immediately report the matter to the police for further investigation. Disciplinary procedures against Immigration Service staff are also governed by the Immigration Service Ordinance and the Immigration Service Standing Orders. Under section 8 of the Immigration Service Ordinance (Chapter 115), unlawful or unnecessary exercise of authority resulting in loss or injury to any person is a disciplinary offence.

INFORMATION AND PUBLICITY

Promotion of public awareness of the human rights treaties

52. The Home Affairs Bureau of the HKSAR Government is responsible for promoting public awareness of the rights and obligations stipulated in the human rights treaties applicable to Hong Kong. Following the enactment of the BORO in 1991, the Committee on the Promotion of Civic Education (CPCE) under the Home Affairs Bureau established a Human Rights Education Sub-Committee to promote public understanding of the BORO and respect for human rights as set out in the various treaties. Human rights have been one of the major emphases of the CPCE's work. Recently, the CPCE has increased its efforts to promote a public understanding of the Basic Law, which provides the constitutional guarantees for human rights protection in the Region. A Basic Law Promotion Steering Committee - chaired by the Chief Secretary for Administration - was established in January 1998 to guide promotional strategy.

53. In 2002, the Bureau established a joint NGO/Government forum, the Committee on the Promotion of Racial Harmony, to advise Government on the promotion of inter-racial respect and tolerance and matters relating to the International Convention on the Elimination of All Forms of Racial discrimination. The Committee is serviced by the Race Relations Unit, also established in 2002 under the auspices of the Home Affairs Bureau.

Government publications

54. The Central People's Government of the People's Republic of China is obliged to submit reports in respect of the HKSAR under various human rights treaties[20]. Draft reports are prepared by the Home Affairs Bureau and the Health, Welfare and Food Bureau of the HKSAR Government. The Bureaux consult the Legislative Council and non-governmental organisations on the state of the implementation of these treaties in Hong Kong. They address their views in the reports, which they table before the Legislative Council - and publish in bound, bilingual format - after the Central People's Government has submitted them to the United Nations. Copies are deposited in public libraries and posted on the Internet for public inspection.

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[20] In November 1997, the Central People's Government of the People's Republic of China announced that, in line with the Joint Declaration and the Basic Law, and considering that China was not yet a signatory to the two Covenants, it would make reference to the provisions of the two Covenants as applied to Hong Kong and transmit reports on the HKSAR to the United Nations. China ratified the ICESCR in 2001 and HKSAR's report now forms part of China's report. The Government of the HKSAR is responsible for preparing the report on the Region in relation to the ICCPR for transmission to the United Nations.

Part II

ARTICLE 1

DEFINING DISCRIMINATION

"For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Definition of "Discrimination against Women" in the Sex Discrimination Ordinance

The Sex Discrimination Ordinance (SDO) defines "discrimination" to include both "direct discrimination" and "indirect discrimination". "Direct discrimination" means treating a person less favourably than another person in analogous circumstances because of the victimised person's sex, marital status, or pregnancy. "Indirect discrimination" involves imposing on everyone the same requirement or condition which, however, has a detrimental effect on a particular group of persons. This kind of requirement would constitute "indirect" discrimination under the Ordinance if there is no justification for the requirement[21].

Reservations and Declarations to Application of the Convention on the Elimination of Discrimination of All Forms of Discrimination against Women (CEDAW) in Hong Kong Special Administrative Region

2. The People's Republic of China (PRC) has entered seven reservations and declarations on behalf of the Hong Kong Special Administrative Region (HKSAR) in respect of the provisions of the Convention as applied to the latter in the light of the special circumstances in Hong Kong. The Government of the PRC understands, on behalf of the HKSAR, that the main purpose of the Convention, in the light of the definition contained in Article 1, is to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement upon the HKSAR to repeal or modify any of its existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term. Undertakings by the PRC Government on behalf of the HKSAR under Article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly. The HKSAR periodically reviews the need of the continued applicability of the relevant reservations and declarations. At the time of preparing this report, we are of the view that the seven reservations and declarations need to be retained.

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[21] **Please refer to paragraphs 2 – 3 of the Initial Report for information about relevant sections relating to definition of "discrimination against women" in the Sex Discrimination Ordinance.**

ARTICLE 2

OBLIGATIONS OF STATES PARTIES

"States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;

b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

e. To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

g. To repeal all national penal provisions which constitute discrimination against women."

Bill of Rights

3. The Hong Kong Bill of Rights Ordinance (BORO), which was enacted in 1991, ensures that both women and men enjoy all civil and political rights recognised in the Hong Kong Bill of Rights (BOR). The Ordinance binds the Government and all public authorities and any person acting on behalf of the Government or a public authority. Article 1 of the BOR provides that the rights recognised in the BOR shall be enjoyed without distinction of any kind, including sex. Article 22 of the Hong Kong BOR provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The fundamental rights of the residents of the HKSAR are provided for in the Basic Law. No distinction has been drawn between the rights of women and men.

Legislation

The Sex Discrimination Ordinance

4. SDO was enacted in July 1995 and came into full operation in December 1996. The Ordinance renders discrimination on the grounds of sex, marital status or pregnancy unlawful in specified areas of activity including employment, education, provisions of goods, facilities or services, disposal or management of premises, eligibility to vote for and to be elected or appointed to advisory bodies, activities of clubs, and activities of Government in Parts III and IV of the Ordinance.

Part IV of the Ordinance outlaws sexual harassments and Part V makes it unlawful to apply any discriminatory practices, and publish or cause to publish any discriminatory advertisements. More detailed description on the Ordinance is provided in paragraphs 5 – 10 of the Initial Report.

5. The SDO has been tested at the court since the entire Ordinance came into force in December 1996. Major court cases are set out in Annex C. These cases demonstrate that Sex Discrimination Ordinance has been an effective legislative tool in combating sex discrimination.

Family Status Discrimination Ordinance

6. The Family Status Discrimination Ordinance (FSDO) was enacted in June 1997 and came into operation in November of the same year. This piece of legislation renders it unlawful to discriminate against a person who has family status in specified areas of activity similar to those covered under the SDO. This Ordinance provides protection to those who have responsibility for the care of an immediate family member. Like the SDO, the Equal Opportunities Commission (EOC) is responsible for the enforcement and implementation of this Ordinance.

Disability Discrimination Ordinance

7. The Disability Discrimination Ordinance (DDO) was enacted in 1995 and came into operation in 1996 for the elimination of discrimination against persons, on the grounds of disability, in various areas such as employment, accommodation, education, access to premises, partnerships, vocational training, clubs and sporting organisations. It also ensures, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and promotes recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as non-disabled persons. The legislation does not impose requirements on employers, developers, service providers and others to provide more jobs or better facilities for people with disabilities. Rather, the legislation makes it unlawful for disabled people to be treated less favourably than others, on account of their disability, in circumstances that are the same or not materially different. The legislation thus protects the rights of disabled persons not to be discriminated against, rather than requiring the general provision of services to meet their needs. Disabled women enjoy the same protection as men do under the Ordinance.

Changes in the Law

8. The Evidence Ordinance was amended in June 2000 to abrogate the corroboration rules in sexual offences. Offenders in sexual offence cases could now be brought to justice more easily. The Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill 1999 was passed in 2000. The new law empowers law enforcement agencies to take intimate and non-intimate samples to combat serious crimes including sexual offences. The Evidence (Miscellaneous Amendments) Bill 2002 renders spouses competent and compellable to give evidence in certain criminal proceedings, including domestic violence cases. The Bill is now being scrutinised by the Legislative Council.

9. In response to the concern of the CEDAW Committee that marital rape was not considered a criminal offence, the Crimes Ordinance was amended in July 2002 to make it clear that marital rape is a criminal offence. Women are protected from being forced to engage in sexual intercourse without their consent, even with their spouses.

The Equal Opportunities Commission

10. The EOC, which was established in May 1996 under the SDO, is tasked with the responsibility for, among other things, eliminating sex and family status discrimination and promoting equal opportunities between women and men. With an annual funding over HK$80 million (US$10.26 million), the EOC discharges its duties through various functions: complaint handling; conciliation; strategic litigation; policy development and research; providing training and consultancy; and public education. It also plays the role of keeping the SDO, DDO and FSDO under review. In 1999, the EOC completed a legislative review on the discrimination legislation and submitted legislative amendment proposals to Government. Many of the proposals have been accepted by Government.

11. The EOC investigates complaints and endeavours conciliation between the parties in dispute. From 1999 to end October 2002, the EOC received a total of 2,021 complaints under the SDO and 114 under the FSDO, of which 517 and 19 cases were successfully conciliated respectively.

12. EOC has placed much emphasis on assisting employers, service providers and government to better understand the implications of anti-discrimination ordinances for their workplaces. Since March 2001, the EOC has been providing a range of training and advisory services including training workshops, tailor-made training programmes, train-the-trainer programmes and specific projects that are implemented collaboratively with key stakeholders in Hong Kong.

13. The EOC is concerned with the systems and structures by which individuals and groups are excluded or marginalized. As such, one of the EOC's major works focuses on policy development and research. The EOC regularly reviews public and private sector policies and practices, examines statistical data to identify trends, and meets with stakeholders such as government, community groups and businesses to ascertain and monitor major concerns.

14. Since the last report, the EOC has advocated policy changes in many different areas. Examples include:

(a) Formal investigation into the Secondary School Places Allocation System (1998-1999);

(b) Comments in response to the Consultation on Review of Education System Reform Proposal (July 2000);

(c) Comments in response to the Consultation on "Learning to Learn – The Way Forward in Curriculum Development" (March 2001);

(d) Comments in response to the Consultation on Health Care Reform – "Lifelong Investment in Health" (March 2001); and

(e) Comments on the sports policy review report "Towards a More Sporting Future" (August 2002).

Women's Commission

15. During the hearing on the Initial Report, the CEDAW Committee showed concern about the absence of a governmental mechanism for the advancement of women in Hong Kong charged with the pro-active development of policy and long-term strategies on gender equality. To

demonstrate its commitment to further promote the well-being and interests of women in Hong Kong, the Government set up the Women's Commission on 15 January 2001 as a central mechanism to advise the Government on a strategic overview of women issues. It is tasked to identify all women's needs and address matters of concern to women in a holistic and systematic manner. The Commission has developed a long-term vision and strategy for the development and advancement of women in Hong Kong. The Women's Commission advises the Government on policies and initiatives which are of concern to women and seeks to ensure that women's perspectives are factored in (or mainstreamed) during policy formulation. The Women's Division of the Health, Welfare and Food Bureau, which has overall policy responsibility for women issues, supports the work of the Women's Commission, which is also allocated sufficient funding to carry out its functions.

16. The establishment of the Women's Commission is a milestone in efforts to promote the advancement of women in Hong Kong. Chaired by a non-official and comprising another 21 members, the Commission has laid down as its mission "To enable women in Hong Kong to fully realise their due status, rights and opportunities in all aspects of life". It has identified three priority areas of action: gender mainstreaming, empowerment of women and public education. Special task forces have been set up to take forward work in these areas.

17. In order to make the maximum impact on society, the Women's Commission will focus its efforts in the year 2003 on the theme of "capacity building", which involves creating awareness among individuals and society of the need and opportunities for continuous self-improvement, and facilitating creation of an enabling environment. All women-related initiatives and projects of the Commission will be aligned with this theme.

Gender Mainstreaming

18. The Women's Commission sees gender mainstreaming as one of the key strategies in achieving women's advancement and gender equality. With the integration of gender perspective in legislation, policies or programmes, gender mainstreaming seeks to ensure that women and men have equitable access to, and benefit from, society's resources and opportunities.

19. To facilitate government officials in making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of government legislation, policies and programmes, the Women's Commission has developed as analytical tool in a form of checklist to enable women's perspectives to be suitably taken into account by the Government. The gender mainstreaming initiatives of the Women's Commission are further elaborated in Article 3.

Empowerment of Women

20. The Commission will look into ways to better equip women for life's challenges and to create a more congenial societal environment for women to develop themselves. The Commission has reviewed and suggested improvements to a number of services with the aim of ensuring appropriateness, adequacy and quality of the services for women. The Commission has played a catalytic role in encouraging and promoting development of new service models. Recent work includes:-

(a) compilation of booklet on good empowerment practices for women practised by non-governmental sector to facilitate possible replication and adaptation of these programmes and activities by others;

(b) working with the Social Welfare Department on encouraging the setting up of mutual help childcare centres operating on a membership mode;

(c) promotion of the establishment of a community-based women health centre to provide integrated health services in collaboration with a local charity group; and

(d) looking further into other possibilities to enhance women's employment opportunities, e.g. setting up of co-operatives.

21. The Women's Commission also sees the need and potential of women to participate more fully in decision making processes. Currently, there are over 600 Government advisory and statutory bodies advising Government on a wide range of issues that have direct relevance to everyday life of women and men in Hong Kong. Women's participation in these bodies has been relatively low. The Women's Commission has suggested the Government to take a more proactive approach in reaching out and cultivating potential female candidates. Upon the Commission's recommendation, the Government has made special efforts to increase the number of women appointed to serve on the advisory and statutory bodies. More details on this issue are set out in paragraphs 120 – 122.

Capacity Building Programme

22. Apart from the various tasks being conducted to empower women, the Women's Commission is exploring the development of a capacity building framework which would facilitate women to develop essential skills and potentials. This framework was conceived in view of the feedback from many women's groups that existing education / training programmes provided do not fully address the needs or interests of women, particularly the homemakers. A framework and machinery that bridges the gap between programmes offered by training institutions and the development needs of women is therefore considered appropriate. The Commission will further develop the idea, and may invite relevant parties to participate in the development process.

Public Education

23. The Women's Commission has also launched public education and publicity programmes to reduce gender prejudices and stereotyping as well as to raise public awareness of women-related issues. They include four public fora and seminars held in 2001-2002 on different specific women topics, annual public functions on International Women's Day, launching of Announcements in the Public Interest on TV, radio stations and on buses, holding of an essay writing competition, broadcasting of a TV drama series as well as a radio programme on the theme of women capacity building, printing and distribution of posters. The Women's Commission held a major Conference with the theme of "Women for a Better Tomorrow" in May 2002 to generate public discussion on and raise public awareness of gender-related issues. It was officiated by the Chief Executive and attended by senior officials, gender experts from the Mainland and overseas countries and around 500 local participants.

Collaboration with Non-governmental Organisations

24. **The Women's Commission recognises and appreciates the important contribution that the non-governmental sector and community groups have made in advancing the interests of women in Hong Kong throughout the years. To enhance communication with and seek advice on the work of the Commission from the non-governmental sector, as well as to create synergy in the work of the Women's Commission and other bodies, the Commission has carried out various activities to establish partnership with non-governmental organisations. The Commission has conducted regular visits to local women organisations, service agencies and districts, and organised fora and seminars that non-governmental organisations have participated. The Commission is developing a framework of collaboration with non-governmental organisations and other parties and is seeking views from the latter.**

ARTICLE 3

APPROPRIATE MEASURES

"States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

Legal Basis for Elimination of Discrimination

25. A number of international covenants and domestic legislation have been in force to eliminate discrimination on the basis of sex in Hong Kong. In addition to CEDAW, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) have applied to Hong Kong since 1976. Both Covenants require states parties to ensure the equal right of men and women to the enjoyment of the rights set forth in the two Covenants. Article 39 of the Basic Law guarantees that the provisions of the two Covenants as applied to Hong Kong shall remain in force.

26. The HKSAR Government is fully committed to the objectives of the two Covenants and seeks to implement them through legislation and policies. The BORO, which was enacted in 1991, gives effect in domestic law to the provisions of the ICCPR as applied to Hong Kong and binds the Government and public bodies. Article 1 of the BOR provides that the rights recognised in it shall be enjoyed without distinction of any kind, including sex. Article 22 of the BOR provides that all people are equal before the law and are entitled without any discrimination to the equal protection of the law.

27. Regarding domestic legislation, as described in Article 2, the SDO is the major legislation against discrimination on the grounds of sex, marital status or pregnancy in various aspects including employment, education, eligibility to vote for and to be elected etc. The DDO provides for the elimination of discrimination against persons, on the grounds of disability, in various areas such as employment, accommodation, education, access to premises, partnerships, vocational training, clubs and sporting organisations. The FSDO provides protection to persons who have responsibility of care for an immediate family member.

Co-ordination of Implementation of the Convention

28. Some doubts have been expressed over the role and functions that the Women's Commission would perform. As a central mechanism for the advancement of women, the Women's Commission has given new impetus to the work of promoting women's well-being. Further to the protection offered by existing legislation and the statutory functions performed by EOC in eliminating discrimination, the Women's Commission takes a holistic and strategic overview of all issues of concern to women. Working zealously since its establishment in January 2001, the Women's Commission has made good progress in implementing CEDAW and promoting the well-being of women through its three priority areas of action, namely gender mainstreaming, empowerment of women and public education as mentioned in Article 2.

29. The Women's Commission has worked closely with the Administration to take forward the incorporation of women's perspectives and women's needs in the development of policies and

initiatives. It has also rendered valuable advice and suggestions to the Government on a wide range of issues, including health services, public housing for women, information technology training, family services, violence, sex-disaggregated data, urban renewal, long term planning for Hong Kong, sports development, women's participation in advisory and statutory bodies, and so forth.

Gender Mainstreaming Initiatives

30. Recognising that gender-sensitive policy making process leads to better government through better-informed decision-making with inputs from both women and men, the Women's Commission has articulated the importance of gender mainstreaming to the Administration, which has accepted that the concept should be introduced into different policy areas on an incremental basis.

31. To assist government officials in considering gender perspectives, the Women's Commission has made references to overseas experience and developed an analytical tool in the form of a checklist to facilitate gender sensitive analysis and to evaluate the possible gender impact of policies and programmes. An information kit has also been prepared to familiarise government officials with the concept of gender mainstreaming.

32. The Checklist has already been pilot-tested in five public policy areas and is being fine tuned. It will be introduced into several new policy areas in 2003. A strategy and plan for wider use of the Checklist has been mapped out involving government departments, women's groups and relevant organisations.

33. An important part of the strategy is the capacity building of civil servants. To facilitate the consideration of women's perspectives in the policy making process, gender-related training has been provided as a means of capacity building for civil servants to enhance their sensitivity towards gender issues and women's concerns. Such training is being done by tertiary institutions. Non-governmental organisations have also been invited to participate in and share experience with civil servants at the training sessions. Workshops have been organised for staff of Social Welfare Department and Education and Manpower Bureau, members of the Hong Kong Police Force, as well as newly recruited Administrative Officers. So far, over 500 participants have attended these training courses. Plans are in hand to expand the training programmes to other grades and ranks of the civil service. Measures to gender mainstream civil servant training courses are being considered.

34. The Women's Commission attaches much value to partnership with non-governmental organisations and academia. The Women's Commission has been working together with non-governmental organisations in pursuing gender mainstreaming. In developing the Checklist, the Women's Commission has conducted a discussion session with the non-governmental sector in February 2002 to collect comments and suggestions regarding the gender mainstreaming strategy and ways to strengthen the role of non-governmental organisations and academia in the work of gender mainstreaming. The Women's Commission will continue to collaborate with non-governmental organisations and the academia in this respect.

35. The Women's Commission realises that public education on gender mainstreaming would enhance public support for the gender mainstreaming initiatives which could serve as a driving force.

It is the long term objective of the Women's Commission that gender mainstreaming would be adopted by the whole community including non-governmental organisations and private sector.

Studies, Research and Data Collection on Women

36. Some non-governmental organisations have called for the collection of more sex-disaggregated data and the conduct of gender analysis. The Government is well aware that collection and compilation of sex-disaggregated data are important for gender analysis and gender sensitive policy-making. The Census and Statistics Department (C&SD) collects and compiles a variety of sex-disaggregated statistics. Examples of some of the key statistics with sex breakdown are at Annex D. A considerable proportion of these statistics is already published in the Department's statistical reports. More detailed breakdowns, which may not have been included in the reports owing to space constraint, can also be made available upon request for meeting the specific needs of data users.

37. Apart from the sex-disaggregated statistics as shown at Annex D, C&SD compiles annually a comprehensive statistical publication on gender statistics, "Women and Men in Hong Kong – Key Statistics" (since 2001). This annual publication provides handy sex-disaggregated statistics from a wide variety of sources, which helps to reflect the social and economic situation of women and men in Hong Kong including their demographic levels, educational characteristics, employment situation, health condition, participation in public affairs, etc.

38. To gain a better understanding of the situation of women in Hong Kong in various contexts and to facilitate the formulation of strategies in promoting women's well-being, the Women's Commission has conducted the following surveys and research:

(a) a telephone survey on the extent of satisfaction of women in Hong Kong in respect of their current state of affairs, the findings of which were released in March 2002;

(b) a mailed questionnaire survey on the extent and levels of positions taken up by women in private and non-governmental sectors in Hong Kong, the findings of which were released in November 2002; and

(c) an effectiveness survey of the publicity and public education campaign launched by the Women's Commission, which also looked into the community perceptions of gender-related issues, including the need to introduce gender-mainstreaming, reasons that deter women from realising their potential and extent of gender stereotyping.

A thematic household survey on time use and factors hindering women's participation in the community is being carried out by the Government. The findings will likely be released later in 2003.

ARTICLE 4

TEMPORARY SPECIAL MEASURES

"1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

"2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory."

39. The Government and the Women's Commission have been working on long term measures to improve the well-being of women, including taking forward the gender mainstreaming initiative within the Administration, empowering women through capacity building, as well as launching public education programmes to raise community awareness of gender-related issues and to reduce gender stereotyping. The impact of such measures would be more long-lasting than temporary measures.

Special Measures provided for under the Sex Discrimination Ordinance

40. HKSAR fully recognises that special measures designed to achieve equality for, or to meet special needs of, pregnant women or persons of a particular sex or marital status should not be considered as discriminatory. This is reflected in the general exception provisions in the SDO[22].

Maternity Protection

41. Measures regarding maternity protection are referred to in paragraphs 163-166, 168 and 173 below under Article 11.

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[22] Please refer to paragraph 20 of the Initial Report for the general exception provisions in the SDO.

ARTICLE 5

STEREOTYPING AND PREJUDICES

"States Parties should take all appropriate measures:

a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

Extent of Gender Stereotyping in Hong Kong

42. To identify the level of community awareness of the Commission's work and community perceptions of gender-related issues, the Women's Commission conducted an effectiveness survey on the publicity and public education campaign in 2002. The findings revealed that the majority acknowledged the existence of gender stereotyping in Hong Kong, though the extent of gender stereotyping was not very serious, and that most considered women could fully realise their potentials. It was also observed that gender stereotyping was less evident in academic setting. About one-fifth of the respondents had gender stereotyping in private and home settings and gender stereotyping was the most obvious in political setting (e.g. men were considered more knowledgeable about politics than women).

43. Another survey commissioned by the Women's Commission shows that on the whole, there is an overall balance in terms of gender participation in the employment field in the private and non-governmental sectors in Hong Kong. However, a certain degree of difference exists between women and men in terms of industry sectors and disciplines they engage in, and the level of positions taken up by them. Women in general are less likely to be employed in disciplines that require scientific and technical knowledge or skills. Only about a quarter of top / senior positions are taken up by women, which is on par with a number of other Western developed countries.

Public Education Efforts

44. In promoting CEDAW, the Administration has produced and distributed leaflets and various souvenirs such as mousepads and paperbags to the public to arouse the public awareness of the Convention. The text of the Convention and the concluding comments on the Initial Report made by the CEDAW Committee is also uploaded onto the internet for public access.

Equal Opportunities Commission

45. The EOC continues to promote sex equality through various public education programmes and initiatives. These programmes and initiatives include:

(a) publications of guidelines and references which are disseminated via seminars, training workshops and etc.;

(b) development of the EOC's homepage to become a bi-lingual (Chinese and English) on-line resource centre in March 2002. The website provides information on equal opportunities and anti-discrimination laws and is fully accessible to persons with disabilities;

(c) seminars and conferences to promote public understanding of sex and family status discrimination. For example, the Seminar on the FSDO in November 2000 and the Conference on "Boys and Girls in the 21st Century: Gender Differences in Learning" in November 2001;

(d) 945 introductory talks on anti-discrimination legislation delivered to government departments, schools, businesses, community groups and other interested organisations from 1999 to September 2002;

(e) 18 community road shows held in popular shopping centres and playgrounds since 1999, and the annual month-long Equal Opportunities Expo featuring different community events;

(f) the Community Participation Funding Programme which supports and encourages community organisations to develop projects that promote equal opportunities. From 1999 to end October 2002, more than HK$1.3 million (US$166,700) was approved for 103 community projects to promote gender equality and the understanding of SDO and FSDO;

(g) public education targeted at youths:

- **sponsored drama performances and puppet shows in schools;**
- **a special Education Television programme on equal opportunities was produced for junior forms students. The programme ran on Education Television since 1999 on a continuous basis;**
- **summer camps held in 1999, 2000 and 2001;**
- **a youth mentorship programme in 2002 entitled "The Career Challenge". It aimed at eliminating gender stereotypes in respect of occupation;**
- **two Scout Instructors Development Programmes in 2001 and 2002;**
- **other outreach programmes such as slogan, drama and debate competitions.**

(h) advertising campaigns:

- **advertising campaigns on prevention of pregnancy discrimination, family status discrimination and sexual harassment in the workplace, which featured large, eye-catching posters on rail transit platform on Hong Kong's mass transit railway system;**
- **bus advertisements conveying the equal opportunities message;**
- **televised campaigns: three Announcements in the Public Interest (APIs), a nine-episode docu-drama in 2000, and a 20-episode drama series on Cable TV's Children Channel in July 2001;**

- radio campaigns: an eight-segment programme in 2000 entitled "Teens Park", and a 10-episode docu-drama in 2002 entitled "The Equal Opportunities Files"; and
- exhibition booths at different expos, such as the annual Education and Career Expo and other conference events.

Women's Commission

46. The Women's Commission has launched public education and publicity programmes to address gender stereotyping as continuous efforts are needed to tackle society's preconceived notions, roles, and stereotypes of women. Hence, the Women's Commission has rolled out the following public education programmes:

(a) two series of APIs on TV, radio and buses;

(b) essay-writing competition to stimulate public concern and interest on the theme of "capacity building";

(c) a ten-episode TV drama series relating to the theme of "capacity building" and "empowerment of women";

(d) a thirteen-episode radio programme on gender-related issues;

(e) the Women's Commission Conference 2002 with the theme of "Women for a Better Tomorrow";

(f) public fora and seminars on different specific women topics;

(g) annual celebration of International Women's Day; and

(h) printing and distribution of posters.

Committee on the Promotion of Civic Education

47. The Committee on the Promotion of Civic Education (CPCE) is an advisory body formed under the auspices of the Home Affairs Bureau to promote civic education and to enhance general public's civic awareness. Promoting equal opportunity and understanding of and respect for human rights has been one of the Committee's major themes in the past three years. A list of the Committee's activities in this area is as below :

(a) *sponsorship for projects organised by voluntary agencies and community organisations. Between 1999/2000 and 2002/03, the CPCE sponsored 52 projects on equal opportunities, rights of the child and of the woman, and elimination of discrimination;*

(b) *production of a comic booklet on human rights for adolescents incorporating the concept of gender equality (released in early 1999) ;*

(c) *publication of a pictorial booklet on the Universal Declaration of Human Rights in early 1999 to illustrate the concepts advocated in the Declaration, including the concept of gender equality ;*

(d) *production of a short story book for teachers in late 1999 to promote human rights. Some of the stories focused on the concept of gender equality ;*

(e) *production of a parents' handbook in 2002 to encourage parents and children to practise human rights concepts, including equal opportunity and gender equality, in daily life ;*

(f) *production and distribution of civic education newsletters for junior primary school students since mid-2000. The concept on equal opportunity is also covered in the newsletter; and*

(g) *Publication of newspaper comic series on civic education in 2002. Some of the comics promoted equal opportunity and the elimination of discrimination.*

Women Festival

48. To portray the changing roles of women in our society, the Hong Kong Heritage Museum has made the year 2002/03 the Women Festival. It examines the gender implications of our society from various angles, to celebrate women's contributions and to explore the needs of women in the new century. A series of exhibitions and educational activities such as talks and workshops have been held on women's changing identities, women and art and contemporary women issues.

Control of Pornography and Sex Discriminatory Elements in the Media

49. Publication of articles that contain obscene or indecent materials (i.e. materials that are violent, depraved or repulsive) are controlled under the Control of Obscene and Indecent Articles Ordinance (COIAO). Obscene articles are prohibited from publication. Indecent articles must not be published to persons below 18. Publication of indecent articles must comply with certain statutory requirements, including the sealing of such articles in wrappers (opaque wrappers if the covers are indecent) and the display of a warning notice as prescribed by the COIAO. The Obscene Articles Tribunal set up under the COIAO is responsible for and has exclusive jurisdiction in determining whether an article is obscene, indecent or neither. For the purpose of deciding whether a film should be approved for exhibition and the appropriate classification that should be given, the censor is required by the Film Censorship Ordinance to consider the following matters:

(a) whether the film portrays, depicts or treat cruelty, torture, violence, crime, horror, disability, sexuality or indecent or offensive language or behaviour; and

(b) whether the film denigrates or insults any particular class of the public by reference to the colour, race, religious beliefs or ethnic or national origins or the sex of the members of that class.

50. The existing regulatory framework for broadcasting already provides sufficient measures to regulate the broadcast of pornography and sex discriminatory elements on television or radio in Hong Kong. The respective conditions in television programme service licences and the sound broadcasting licences require that the licensees must ensure strict compliance with the relevant codes of practice on programme standards and advertising standards. Licensees are not allowed to broadcast any material which is likely to encourage hatred against or fear of, and / or considered to be denigrating or insulting to any persons or groups on the basis of, *inter alia*, race, gender, sexual preference, age, or social status. The licensees are also required to exercise due care in their treatment of sex and nudity so that they can avoid shocking or offending the viewing public. The Broadcasting Authority receives complaints from the public, investigate into any suspected contravention of the

codes of practice and may impose on the licensees appropriate sanctions which include financial penalty or suspension of licence.

51. In January 2002, the Government introduced the Prevention of Child Pornography Bill into the Legislative Council. The Bill seeks to offer better protection to boys and girls by prohibiting the production, possession and publication of child pornography depicting children under the age of 16; to amend the Crimes Ordinance to prohibit the use, procurement or offer of persons under the age of 18 for making pornography or for live pornographic performances. The Bill is now being scrutinized by a Bills Committee of the Legislative Council. The enactment of the Bill will enable HKSAR to comply with the International Labour Convention No. 182 on Elimination of Worst Forms of Child Labour.

52. Concerns are sometimes expressed over advertisements and the media portraying women in a biased manner, such as portraying women as sex objects or as subordinate to men. But it should be noted that ideas, concepts and messages conveyed in the advertisements and the media fall within the highly sensitive area of freedom of expression and press freedom, which the Government is committed to upholding. Any attempt to address this issue must be done with great care and preferably by public education.

Protection of Women against Violence

53. During the hearing of the Initial Report, the CEDAW Committee had made various recommendations to the Government relating to the protection of women against domestic and sexual violence, including to offer counselling and treatment of offenders, enhance services for survivors of domestic violence with a view to their empowerment and rehabilitation, and provide information on sexual crimes in the second report. Some local non-governmental organisations are also concerned about provision of preventive and support services for victims of domestic violence. Hence, we have included our progress in protecting women against domestic and sexual violence since 1999 in the following paragraphs.

International Instruments

54. The Government is committed to adhering to the principles of CEDAW, including protecting women against violence. Various policies and measures have been taken in fulfilling its commitment in eliminating all forms of violence against women under the Convention. Among other things, Article 28 of the Basic Law states that "torture of any resident or arbitrary or unlawful deprivation of the life of any resident shall be prohibited." Article 3 of the BOR gives direct effect in domestic law to Article 7 of the ICCPR in regard to torture and other cruel, inhuman or degrading treatment or punishment. The Convention against Torture (CAT) applies to the HKSAR. The Crimes (Torture) Ordinance (Chapter 427 of the Laws of the HKSAR) gives direct effect to the CAT provisions on torture. The Fugitive Offenders Ordinance (Chapter 503) gives effect to the provisions on extradition. The Convention on the Rights of the Child (CRC) also applies to Hong Kong. Numerous statutory and administrative measures give effect to the individual provisions of the CRC. These will be explained in details in HKSAR's Initial Report under the Convention.

Legislation protecting Women against Violence

55. The Crimes Ordinance, Offences Against the Person Ordinance and the Domestic Violence Ordinance continue to apply to protect women against violence[23].

56. In 2002, the Government has proposed amendments to the Crimes Ordinance which seek to extend the application of certain sexual offence provisions to acts committed against children outside Hong Kong. The proposed amendments to the Crimes Ordinance are incorporated in the Prevention of Child Pornography Bill (detail see paragraph 51). Protection against sexual abuse is provided to boys and girls below the age of 16. 24 sexual offence provisions of the Crimes Ordinance will be given extra-territorial effect in respect of acts committed to children where the perpetrator or the victim has a nexus with Hong Kong.

57. As mentioned in Article 2, the Evidence Ordinance was amended in June 2002 to abrogate the corroboration rules in sexual offences so that offenders in sexual offence cases could now be brought to justice more easily. The CEDAW Committee had raised concern that marital rape was not considered a criminal offence in the Hong Kong during its hearing on the Initial Report submitted by Hong Kong. To offer greater protection to women against violence, the Crimes Ordinance was amended in July 2002 to make it clear that marital rape is a criminal offence. In the past, a person was not competent or compellable to give evidence for or against his or her spouse except in very limited circumstances. The Evidence (Miscellaneous Provisions) Bill was also introduced in 2002 to amend the deficiencies in the rules relating to husbands and wives giving evidence for and against each other in criminal proceedings. Furthermore, following a study by the Law Reform Commission on stalking, the Government is also considering the proposal of legislating against harassment behaviour, such as stalking.

58. Regarding the suggestion to review the Domestic Violence Ordinance regarding the scope of application of the Ordinance and the definition of domestic violence, the Administration notes the views and proposals received, and will take them into consideration.

Preventive Measures on Domestic Violence

59. The Government supports the principle of "zero tolerance on domestic violence", and has made continuous efforts to review related policies and the provision of various services. In recent years, a three-pronged approach is adopted to strengthen support for families. Under this approach, existing services are reviewed, re-engineered and re-focused while new initiatives are introduced to fill service gaps identified so that preventive, supportive and specialised services are available for the prevention and handling of domestic violence, with most victims being women.

60. As prevention is always better than cure, the Social Welfare Department (SWD) has strengthened the preventive and supportive services to enable individuals and families to prevent domestic violence.

61. Since April 2002, SWD has implemented 15 pilot projects to set up integrated family service centres which are operated under a new service delivery model with the aim of improving the accessibility of services and promoting early identification of needy families for intervention. The

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[23] Please refer to paragraphs 28 – 30 of the Initial Report for details of the ordinances.

integrated family service centres, comprising three major components, viz. family resource, family support and family counselling, integrate family welfare services with community-based services to provide a continuum of preventive, supportive and remedial services to meet the changing needs of families in a holistic manner.

62. Together with the existing family services centres, there is an extensive network of 66 family service units operated by SWD and non-governmental organisations to serve people of all age groups, including women coming from different background and with various needs. The objectives of the family services centres and integrated family service centres are to preserve and strengthen the family as a unit, to enable individuals and families to prevent personal and family problems and to deal with them when they arise. With the strengthening of outreach and networking means, the family services centres / integrated family service centres will be more able to identify problems early and render timely intervention, hence contributing to preventing family tragedies, including domestic violence from happening.

63. Other preventive measures are launched in the form of talks, groups working sessions and programmes to enhance family functioning and strengthen family relationships. The provision of occasional child care service, after school care service and mutual help service can help alleviate the child care burden of women. Women's participation in mutual help groups and volunteering work enhance their self-esteem and widen their social network, which can, in return, empower them to eschew domestic violence. For those who are in emotional distress stemming from various problems such as marital discord, family relationship, parenting difficulty, financial hardship, etc., social workers from family services centres / integrated family service centres render intensive counselling to tackle their problems in a positive way, hence preventing the escalation of family problems to tragedies or domestic violence. In addition to the counselling service, specialised treatment offered by clinical psychologists, various community support services, financial aid, housing assistance, refuge centre for women and time-out facility in the Family Crisis Support Centre (FCSC) are also arranged according to individual needs.

64. Ongoing Family Life Education (FLE) programmes are organised throughout the year to enhance family functioning, strengthen family relationship by equipping individuals with the knowledge and skills required to cope with changing roles and demands in life, and to promote public awareness of the problem of child abuse and spouse battering. In addition, a two-year family education project has been implemented with additional resources since early 2001 to enable social workers to provide more timely assistance to families in crisis. Through counselling, supportive and mutual help programmes, at-risk families are provided with knowledge and skills on effective communication, parenting, etc. as well as other necessary professional assistance in solving family problems encountered. The experience of concerned family education service units will be shared in training programmes so that the effective approaches on prevention and targeted services to families at-risk can be adopted in family and community-based service units.

65. Among different types of family life education programmes, parent education serves as an effective measure to prevent child abuse arising from marital problem and inadequate child management skills of parents and parents-to-be. SWD and non-governmental organisations have been promoting parent education through co-operation with the Maternal and Child Health Centres, schools, the commercial sector and private firms. Besides, additional funding of HK$50 million

(US$6.41 million) administered by the Education and Manpower Bureau has been provided to extend parent education in schools and the community through organisation of parent education activities, production of parent education reference materials, and organisation of training courses to train up more parent educators.

66. Since January 2002, SWD has set up 20 Family Support and Resource Centres (FSRCs) which provide resource and support to individuals and families, in particular those who are vulnerable. Counselling, supportive groups and programmes and other tangible resources are provided to assist the vulnerable in developing their personal growth and interpersonal relationships, meeting their welfare needs, enhancing their problem-solving skills, and assisting them to develop mutual help networks with the community. These preventive and supportive programmes help to prevent the onset and deterioration of family crisis and violence.

67. Also starting from January 2002, SWD has set up 14 Family Support Networking Teams (FSNTs) mainly at the FSRCs in each administrative district of SWD to provide outreach and networking services to vulnerable families for the early identification of problems and timely intervention. To strengthen outreaching efforts to the vulnerable, eight FSNTs operated by non-governmental organisations in old urban areas, were set up in January 2003. The FSNTs reach out to identify vulnerable families in need, assess problems and needs of the families, provide them with information on the resources available, refer them to suitable services for assistance and mutual support to prevent family breakdown and tragedies.

68. There have been some suggestions on the need to strengthen community education against domestic and sexual violence. In the past few years, there have been many public education and publicity campaigns to promote public awareness about the prevention of violence, especially domestic violence. In addition, publicity materials including television API and leaflets to enhance public awareness and encourage needy families to seek early professional assistance have been produced.

69. To create a greater impact on the public regarding messages on early identification and prevention of problems, including various forms of violence, SWD has strengthened its preventive work through large-scale public education in a centrally co-ordinated approach since 2001. The publicity campaign on “Empowering Families to Face Challenges” was launched from December 2001 to July 2002 to promote positive values towards life, strengthen families and enhance people’s resilience in coping with stress. The campaign included 10 radio programmes, eight TV docu-dramas with dedicated themes on domestic violence, two kick-off ceremonies, radio and television API, promotional leaflets and posters, as well as district programmes.

70. To sustain the momentum, another publicity campaign with specific themes on strengthening families and combating violence (i.e. spouse battering, child abuse, elder abuse and sexual violence) has been launched since August 2002 to encourage families, including victims of violence to seek early professional assistance and to promote services available. Programmes included slogan and poster competition, radio series, district programmes on enhancing family care and support, etc. were conducted. In addition, “Resilient Family Ambassador” Awards were given to persons who had successfully overcome issues and problems arising from child abuse, battered spouse, elder abuse, sexual violence episodes and were ready to share their positive experience with the public. To promote greater awareness of the subjects on elder abuse and sexual violence, a TVAPI

on each subject was produced with the aim to encourage victims to seek assistance. At the same time, TVAPIs on other issues like battered spouse and child abuse will continue to be shown. To ensure that these messages would be spread throughout the community, apart from production of usual publicity materials such as leaflets and posters, large roadside display boards or banners carrying the messages and images of the winning entries of the slogan and posters competitions were displayed in conspicuous sites in all districts. Information on help lines were also displayed in these boards.

71. The clinical psychologists of SWD are also mobilized to contribute to the prevention of domestic violence through the Operation Silver Lining project implemented since December 2001. The clinical psychologists provide professional advice / perspectives on various mental health issues including those relating to domestic violence, sexual violence and homicide-suicide incidents to educate the public through the mass media. The ultimate goal of the project is to build up the resilience of the public in coping with crises in life by providing them with proper information and helping them to develop the appropriate perspectives with which they can view problems in their lives.

72. The Departmental Hotline Service Unit (DHS) of SWD serves as an important contact point for the public to gain access to the welfare services provided throughout the territory. Its scope of service includes answering enquiries from the general public on welfare services, arranging follow-up service for the needy callers, and providing counselling and advice on problem solving. To better serve families in crisis, a Family Help-line was set up in April 2000 with the aim to provide immediate counselling and assistance to families and persons in need and a 24-hour hotline operated by a non-governmental organisation was set up in the FCSC in November 2001. For service enhancement, a call transfer system has been installed between DHS of SWD and the FCSC since 27 January 2003. With this system in place, callers dialling up DHS outside the duty hours of the social workers are provided with a choice to directly transfer their calls to the 24-hour hotline service of the FCSC. The FCSC, in collaboration with the Suicide Crisis Intervention Centre, which is operated by a non-governmental organization on a three-year pilot basis, and SWD's After Office Hours Outreaching Team for Child Abuse and Battered Spouse Cases and After Office Hours Psychiatric Emergency Outreaching Team, will provide 24-hours outreach and crisis intervention service to those callers in need.

Services offered to Victims of Domestic Violence

73. The Central Information System on Battered Spouse Cases set up by the SWD in 1997 has facilitated the collection of statistics on battered spouse cases. The number of newly reported battered female spouses has increased in the past few years as shown in the following figures. Apart from the fact that the rapid demographic, social and economic changes have undermined family solidarity, it is also believed that the effort made by the Government and non-governmental organisations in promoting public awareness of the problem of domestic violence and encouraging the battered spouses to seek professional assistance has contributed to the increase in reporting of battered spouse cases.

Year	Number of Cases
1998	970
1999	1,558
2000	2,150
2001	2,254
2002	2,787

74. According to the Child Protection Registry administered by the SWD, the number of newly reported female child abuse cases in the past few years are as follows:

Year	Number of Cases
1998	242
1999	353
2000	276
2001	308
2002	331

75. Over the past few years, SWD and non-governmental organisations continued to provide victims of domestic violence including spouse battering with a wide range of assistance as mentioned in the Initial Report. Besides, various initiatives have been undertaken to strengthen the services provided by SWD and non-governmental organisations to families in crisis including those suffering from domestic violence. These initiatives are reported in the paragraphs below.

76. Besides the preventive and supportive services delineated in the paragraphs under the item " Preventive measures on domestic violence", SWD has strengthened the provision of specialised services for families facing crisis caused by domestic violence.

77. In April 2000, the former three Child Protective Services Units of SWD have been expanded into five regional Family and Child Protective Services Units (FCPSUs) and have been restructured since March 2002 to further enhance efficiency and effectiveness in protecting battered spouses and children affected by problem of child abuse and child custody disputes. These FCPSUs are specialised units providing one-stop and integrated services to help the spouses and children of families with the problems of spouse battering, child abuse and child custody disputes. The services provided by these units include public education, outreaching, crisis intervention, casework and group work treatment, preparation of social investigation reports to courts, statutory protection of children, arrangement of other services e.g. financial assistance, legal aid, psychological assessment and treatment, housing assistance, etc.

78. Since 2001, additional social workers have been provided for the existing three temporary shelters for women suffering from domestic and sexual violence. Besides, an additional (the 4th) temporary shelter for women which commenced operation in 2002, provides a total of 42 additional places for the women victims and their children, rendering the total number of women shelter places to 162. Same as the three other shelters, this shelter will also accommodate foreign domestic workers suffering from abuse. In addition, it has set up a men's hotline and will provide treatment programme for male batterers.

79. The strength of clinical psychologists specialising in domestic violence cases was enhanced in 2001-02. Assessment and treatment are offered to victims and batterers of domestic violence cases. They work closely with the social workers of FCPSUs and they are developing assessment tools as well as other individual and group treatment packages.

80. In handling domestic violence incidents, the Police has introduced a new measure since September 2001 in which the Divisional Commander is required to assess each domestic violence incident and decide whether or not follow-up visits to the victim / abuser are required, unless the case has been referred to the SWD for service or the victim and his / her children have moved to a safe place or a shelter to ensure their safety. To further strengthen our timely professional intervention to victims of domestic violence cases and their family members, SWD and the Police have implemented a new referral mechanism since 1 January 2003 such that domestic violence incidents may be referred to SWD for follow-up services even in the absence of the consent of victims / alleged offenders subject to certain conditions being met.

81. To strengthen support to families in crisis with the specific objective of preventing family tragedies and domestic violence, SWD has set up the first of its kind FCSC. The FCSC, which is operated by a non-governmental organisation, aims at providing time-out facilities to help people under stress or facing crisis (including women at risk of domestic violence) to manage their emotions and seek positive solution to family problems. Operating on a 24-hour basis, the FCSC provides an integrated package of services including a 24-hour hotline, outreach and prompt intervention, short-term overnight accommodation, skills training on stress and crisis management, mutual support groups, and public education programmes on positive problem solving, positive life value.

82. In assisting children in need of residential placements (e.g. child abuse victims, children witnessing domestic violence, children of inadequate parents, or new arrival families with adjustment problems), foster care is the preferred option because children are taken care of in a family setting in the community, instead of being placed into institutions. In view of the increase in service demand for foster care and emergency foster care services, additional resources of HK$11.17 million (US$1.43 million) have been secured to introduce 60 foster care and 30 emergency foster care places in 2002-03, and a further 60 foster care places in 2003-04 to cater for the vulnerable children in need of care or protection.

83. It has been suggested that services for children who have witnessed violence should be enhanced. Children witnessing spouse battering are one of the target groups served by the FCPSUs mentioned in paragraph 77. Apart from counselling rendered by the social workers of FCPSUs, other services such as residential care, psychological assessment and treatment will also be arranged to help them overcome the trauma they have encountered.

84. Apart from the initiatives undertaken with subsidy from the Government, pilot projects such as "the Women Crew and Hotline Services" and "the Crisis Intervention Team (Seeds of Hope)" in Tuen Mun Hospital, have been launched by non-governmental organisations to serve victims and families suffering from domestic violence with the support from the Lotteries Fund grant and funding from the Hong Kong Jockey Club Charities Trust.

Treatment and Counselling of Perpetrators of Domestic Violence

85. The FCPSUs and Clinical Psychology Units of SWD and non-governmental organisations handling domestic violence cases also provide individual and group treatment to the perpetrators with the aim of stopping their abusive behaviour and help their families restore normal functioning. Statutory supervision of perpetrators who are put under probation by courts is also provided by SWD.

86. To encourage men including perpetrators to seek professional assistance as early as possible and to provide them with immediate counselling or advice so as to prevent domestic violence, men's hotlines have been set up by a number of non-governmental organisations, some of which are also operating temporary shelters for women.

Services offered to Victims of Sexual Violence

87. The first Rape Crisis Centre, RainLily, is a three-year pilot project funded by the Hong Kong Jockey Club Charities Trust (HKJCT) since December 2000. It is operated by a non-governmental organisation, the Association Concerning Sexual Violence Against Women, to serve women victims of sexual violence. It provides one-stop services including hotline, 24-hour outreaching, crisis intervention, therapeutic group, counselling, arrangement of medical examination, legal services, etc. The need for the services will be reviewed by the end of the three-year period.

Cross-sector Collaboration

88. The Government recognises the importance of the joint efforts of different government departments, professionals and non-governmental organisations in preventing and tackling domestic violence and has made improvement in the existing mechanisms for collaboration at different levels in the past few years.

89. The Committee on Child Abuse which is chaired by SWD and comprises representatives from different government departments and non-governmental organizations is in place to propose measures for prevention of child abuse through enhancing public awareness of the problem, promote early intervention and multi-disciplinary approach in handling child abuse cases, and strengthen investigation and treatment services. Besides, the Working Group on Combating Violence (WGCV) convened by SWD and attended by representatives from concerned government bureaux and departments, Hospital Authority and non-governmental organisations, etc. is responsible for advising on measures to prevent and tackle the problems of spouse battering and sexual violence.

90. Upon endorsement of the WGCV, "Procedural Guidelines for Handling Sexual Violence Cases" have been developed to enhance good practice and facilitate multi-disciplinary collaboration in the handling of sexual violence cases. The "Multi-disciplinary Guidelines on the Handling of Battered Spouse Cases" which were developed in 1996 are also under revision to better meet the needs of battered spouses and to improve the multi-disciplinary collaboration.

91. Concern has been expressed on housing needs of some of the victims of domestic violence. Currently, housing assistance (in the form of a public rental housing unit) may be provided to them upon the recommendation of social workers. Regular liaison meetings between SWD and Housing Department (HD) are conducted to exchange views on policy and operational issues with the aim to better meet the changing community needs. To address the concern over the need for prompt arrangement of housing assistance for victims of domestic violence, the criteria for Conditional Tenancy Scheme, one form of housing assistance for people undergoing divorce proceedings, has been relaxed since November 2001 to cover those who have no offspring or bring along no dependent children when leaving their matrimonial home. The relaxation of this housing policy has provided additional protection for women who have matrimonial problems. Besides, the referral mechanism between the two departments in handling various forms of housing assistance, such as transfer of public rental housing tenancy and splitting of public rental housing tenancy, has also been streamlined to speed up the application process.

92. All along the Administration has close collaboration with the non-governmental sector at different levels. Among members of the Working Group on Combating Violence, there are representatives from non-governmental organisations viz. Caritas-Hong Kong, the Association Concerning Sexual Violence Against Women, Harmony House, Christian Family Service Centre, Po Leung Kuk, the Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) and the Hong Kong Council of Social Service. The 13 District Co-ordinating Committees on Family and Child Welfare which are chaired by the District Social Welfare Officers of SWD to plan and co-ordinate family and child welfare services including those relating to domestic violence to meet district needs are also attended by representatives from non-governmental organisations. At operational level, the non-governmental organisations and SWD jointly organise many publicity and community education activities. The social workers of FCPSUs and non-governmental organisations also work closely with each other on individual cases (e.g. FCPSUs refer cases to join the groups run by non-governmental organisations, provide follow-up services for residents of temporary shelter for women, etc.) and joint projects (e.g. parallel groups for parents and children witnessing domestic violence, publicity programmes on prevention of domestic violence, etc.)

Information System

93. In order to collect essential data on battered spouse cases handled by different organisations and government departments to gauge the size the spouse battering problem, as well as the profile of the battered spouses and batterers, the Central Information System on Battered Spouse Cases was set up in 1997. This system is being enhanced and developed into the Central Information System on Battered Spouse and Sexual Violence Cases to include the data of sexual violence cases. In respect of information on sexual crimes, such information is currently confined to those reported to the Hong Kong Police Force and relevant statistics on sexual crimes are as follows:

Year	No. of rape cases reported to the Police	No. of indecent assault cases reported to the Police
1998	90	1,214
1999	91	1,047
2000	104	1,124

2001	95	1,007
2002	95	991

As some women victims may be unwilling to report to the Police on their painful experience of being sexually abused, it is difficult to grasp the full picture of the problem in Hong Kong. More complete information will be captured in the future central information system, which is being developed and will be ready in 2003/04.

Special Training of Professionals

94. Some non-governmental organisations have commented that special training should be provided to various professionals involved in violence cases. The training available to them is elaborated in the following paragraphs.

Police

95. The SWD and non-governmental organisations concerned have been invited by the Police to attend the training days to share their experience in the handling of domestic violence cases with the frontline police officers since August 1997.

96. A new training package on domestic violence aiming to enhance frontline police officers' understanding of the problem and their knowledge and skills in handling domestic violence cases was delivered to all frontline police officers in the first half of 2001. The topic of handling domestic violence is included in the next cycle of Force-wide training days commencing 2003. All frontline officers will be updated on new developments in procedures and guidelines relating to handling domestic violence.

97. A Family Support Service Information Card with useful contact numbers of available services for both victims and abusers of domestic violence incidents was produced in September 2001. "Consent of Referral" is also included in the card to allow Police officers to refer cases promptly to the SWD for further assistance. Easy-to-carry Aide-memoire Cards on Handling Domestic Violence were produced and distributed to frontline police officers for ease of reference in January 2002. Relevant training was provided to relevant frontline police officers prior to implementation of intervention services, e.g. before implementation of "Seeds of Hope" Crisis Intervention Team mentioned in paragraph 84.

98. During the period, officers of the Child Protection Policy Unit of the Hong Kong Police Force (HKPF), which is responsible for issues of domestic violence, continued to provide regular training / briefing sessions concerning the subject to the officers of SWD as well as the non-governmental organisations upon request. On the other hand, police officers responsible for the policing and investigation of domestic violence cases also attended the relevant training so as to enhance their knowledge in the field. Relevant training attended by the police officers include:

(a) three three-day training courses on equal opportunities for the police trainers of various police formations delivered by professional trainers of the EOC between September and December 2001, with a package of training materials provided to trainers' own training reference;

(b) two one-day training workshops on gender awareness commissioned by the Women's Commission, were held by the gender experts of the Gender Research Centre of the Chinese University of Hong Kong in February 2002. Further workshops, which will be designed in the light of the experience with this pilot workshop, are envisaged to be held in 2002/03;

(c) a two-day conference entitled "Women for a Better Tomorrow" organised by the Women's Commission in May 2002. A Woman Superintendent of Police was also invited to be one of the panelists at the break-out session on "Women's Safety at Home and in Public";

(d) a half-day seminar on "Women and Law" organised by Legal Education Trust Fund in August 2002; and

(e) "Sharing Forum on the Role of Contemporary Women in The Prevention of Child Abuse and Family Tragedies" organised by the Against Child Abuse Ltd. at the end of October 2002.

Social workers

99. Training is important for equipping social workers with knowledge and skills to facilitate them in early identification of the cases at risk of domestic violence and rendering treatment to the victims of domestic and sexual violence, and perpetrators. SWD has organised over 10 different training programmes for more than 400 social workers from both the Department and non-governmental organisations from 1999-2000 to 2001-02. Apart from training on assessment and intervention skills, the programmes included gender sensitivity training to raise awareness of gender issues in service delivery. Seminars / workshops on handling sexual issues relating to mentally handicapped persons have also been organised. In 2002-03, another six programmes were conducted for 400 social workers.

Health Care Professionals

100. Continuing professional development (CPD) for health care professionals is advocated. Individual professions are encouraged to devise CPD requirements and implementation schemes that best suit their circumstances. In the public sector, training for doctors, nurses and other health professionals in the Department of Health and the Hospital Authority on special topics such as family education, gender and health, family violence, battered spouse and child abuse, etc. is provided in collaboration with tertiary educational institutions.

Multi-disciplinary training

101. SWD also organised a series of cross-sector training programmes in the past few years to tackle the issue of protection of women against violence, and to further strengthen the awareness, co-operation and skills of case management of all related professionals. Besides local trainers, overseas experts were invited to conduct training to address the training needs in the areas of multi-disciplinary collaboration, legal and practice issues on domestic and sexual violence in 2000-01 and 2001-02. These training programmes were attended by more than 600 participants including social workers, clinical psychologists, medical professionals, education personnel and law enforcement agents. SWD will continue to provide multi-disciplinary training conducted by local and overseas experts in 2002-03 and 2003-04.

Research

102. There have been homicide-suicide incidents arising from family disputes / conflicts in which some individuals committed homicide and shortly thereafter committed suicide, resulting in the death of women and / or children in the family. To enhance understanding of the problem and to strengthen measures in the prevention of homicide-suicide and policy formulations, funding has been allocated to the Centre for Criminology of the University of Hong Kong for conducting a study on homicide-suicide in Hong Kong which includes the development of an assessment tool for frontline staff to identify high risk cases, and training for 150 frontline social workers on the use of the assessment tool and enhancing their knowledge and skills in handling cases with potential risks of homicide-suicide.

103. SWD will commission research on spouse battering and child abuse in order to gain in-depth understanding of the problems in Hong Kong and identify the elements contributing to effective prevention and intervention. The feasibility of adopting mandatory counselling will also be examined in the study. The research team will also be required to develop assessment tool(s) to facilitate early identification of cases at risk for rendering timely intervention and provide training for frontline professionals on the use of the assessment tool(s).

Other Measures to eliminate stereotyping and prejudices

104. Measures adopted on the educational front to eliminate gender stereotypes are referred to under Article 10 below.

ARTICLE 6

EXPLOITATION OF WOMEN

"States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Prostitution and Traffic in Women

105. The Crimes Ordinance provides for several offences which are designed to prevent the exploitation of persons for sexual purposes. These include trafficking in people, causing prostitution, and exercising control over prostitutes. The Ordinance renders it unlawful to take an unmarried girl under the age of 16 years out of the possession of her parent or guardian. More details have been set out paragraphs 40 – 41 of the Initial Report.

Measures Against Trafficking of Women and Girl Child Prostitution

106. The HKSAR government takes a serious view on the problem of illegal immigrants or visitors involving in vice-activities in Hong Kong. To prevent visitors from entering Hong Kong to engage in prostitution or illegal activities, immigration officers at control points always exercise a high degree of vigilance on doubtful visitors and conduct in-depth examination on them whenever necessary.

107. The Hong Kong Police Force and the Immigration Department also conduct joint operations to combat prostitution by illegal immigrants or visitors. In addition, depending on the nature of the vice-activities and whether or not those activities are syndicated, or have a triad involvement, financial enquiries may also take place under the Organised and Serious Crime Ordinance in order to restrain assets or recover the proceeds of crime.

108. While there have been women coming to Hong Kong illegally or under the disguise of visitors to practise prostitution, debriefings from those arrested revealed that almost all of them came here voluntarily. To combat sex tourism and child prostitution, the Government has introduced the Prevention of Child Pornography Bill to provide extra-territorial effect to a list of sexual offences under the Crimes Ordinance if the victim is under the 16 years of age and to criminalize the arranging and advertising of child sex tours as mentioned in Article 5.

Assistance Available and Protection Rendered to Sex Workers

109. Sex workers in need of welfare services and who are willing to accept external intervention may receive counselling and welfare assistance provided by the 66 family services centres / integrated family service centres run by the SWD and non-governmental organisations. Assistance such as financial relief, psychological service, vocational training, employment service and housing assistance can be arranged to help them tide over the hardship they may encounter upon giving up prostitution. Social workers of SWD will render statutory supervision to sex workers below the age of 18 by way of initiating Care or Protection proceedings pursuant to the Protection of Children and Juveniles Ordinance, Chapter 213. Residential care may be arranged as appropriate to ensure the provision of adequate care to prevent them from being exploited.

Services and support rendered by Government and non-governmental organisations to ensure health and safety of sex workers

110. Eight female Social Hygiene Clinics under the Department of Health provide free consultation, investigation, treatment, counselling and education to all female sex workers who suffer from sexually transmitted infections. Other free investigations include Paps smear every six months, annual X-ray Chest, Hepatitis B screening and voluntary HIV tests. Voluntary HIV tests are offered to all attendees of the service. The clinics have close liaison with other non-governmental organisations e.g. Action for Reach Out to receive their referrals of female sex workers for check-up. Sex workers with social problems will be referred to appropriate non-governmental organisations or the SWD for follow-up actions.

111. To encourage sex workers to protect themselves from sexually transmitted diseases, oral sex condoms, health education pamphlets in different language versions, and souvenirs with health messages are provided free of charge. A new education focus programme for safety in oral sex for all female sex workers will be implemented after the pilot study in year 2002.

112. Hospital Authority also provides a comprehensive range of medical treatment and rehabilitation services through hospitals and specialist clinics to the general public, including sex workers. The services provided depend on patients' clinical conditions, and Hospital Authority does not differentiate the services on the basis of patients' occupation.

Application of Laws against Violence to Prostitutes

113. Existing laws relating to violence against women, for example, rape, buggery, indecent assault and other assaults, apply equally to sex workers as any other women in society. Protection is rendered to all women irrespective of whether they are sex workers or not.

__Note__: Protection of imported workers and foreign domestic helpers is detailed in Article 11.

ARTICLE 7

EQUALITY IN POLITICAL AND PUBLIC LIFE AT THE NATIONAL LEVEL

"States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

c. To participate in non-governmental organisations and associations concerned with the public and political life of the country."

Bill of Rights

114. As mentioned in the Initial Report, pursuant to Article 21 of the Hong Kong BOR, every permanent resident shall have the right and the opportunity, without distinction of any kind including sex, and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot; and to have access, on general terms of equality, to public service in Hong Kong.

Women in the Legislative Council and District Organisations

115. Women have equal rights as men to vote and to stand for elections[24] to District Councils and Legislative Council, including functional constituencies. Under the relevant legislation, a person's gender is not a criterion, either direct or indirect, to qualify a person as an elector or a candidate in elections, including functional constituency elections.

116. In the 2000 Legislative Council election, there were 1.48 million registered female electors on the General Electoral Roll, representing 48.4% of all the registered electors in Hong Kong. This compared with 1.36 million (48.0%) and 1.33 million (47.7%) registered female electors in, respectively, the 1999 District Councils election and the 1998 Legislative Council election. Furthermore, 48.4% of the 1.33 million voters who cast their votes in the 2000 Legislative Council election were female. The comparable figure for the 1999 District Councils election and the 1998 Legislative Council election was 48%.

117. Women in the HKSAR also stand as candidates in the elections to the Legislative Council and district organizations. In the 2000 Legislative Council election, 28 out of 155 candidates (18.1%) were women. Ten of them were elected. One more woman was later returned in a by-election in 2001, making a total of eleven women which takes up 18.3% of the membership of the 60-member

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[24] The structure and functions of the Executive Council are covered in the General Profile section paragraphs 11 and 12 in Part I).

legislature. There were 24 women among the 166 candidates (14.5%) for the 1998 Legislative Council election, and 129 women among the 798 candidates (16.2%) for the 1999 District Councils election. The percentages of female members among the elected candidates were 16.0% and 14.6% respectively.

Women in Executive Council

118. In 1981, there was only one female member in the Executive Council. Today, three out of 19 members (15.8%) of the Executive Council[24] are female.

Women in Rural Elections

119. Issues relating to women in rural election is covered under Article 14 "Rural Women".

Women in Advisory and Statutory Bodies (ASBs)

120. The network of Government advisory and statutory bodies (ASBs) is a distinctive feature of the system of Government. It includes executive bodies and advisory bodies. The executive bodies discharge duties necessary for the effective and just functioning of the society. They include boards of directors for public corporations, public bodies or trust funds, and bodies serving regulation or discipline functions, and dealing with appeals. Many of the advisory bodies provide information and recommendations on a wide spectrum that ranges from fundamental livelihood issues such as housing and education, to highly specialised and technical subjects such as handling of dangerous goods and AIDS prevention. Others are local committees, dealing essentially with affairs of particular districts or neighbourhoods, and include the District Councils, Area Committees and District Fight Crime Committees. There are at present about 600 of these bodies served by about 6000 persons, comprising both Government officials and members of the public. Some individuals serve on more than one body.

121. Public members of ASBs are appointed on merit, taking into account their abilities, expertise, experience, integrity and commitment to public service. Government maintains a database of individuals interested in serving in ASBs to facilitate identification of suitable candidates.

122. As mentioned in Article 2, the Women's Commission considers that there is a need and potential for women to have greater participation in the decision making processes. Some local women's organisations have also pointed out that the relatively low representation of women in ASBs needs to be addressed. Hence, the Commission has urged the Government to take active steps to increase women's participation. The Administration also believes that there are many women in Hong Kong who are able and willing to contribute to the work of ASBs. To enhance the level of women's participation in these bodies, the Administration has taken a more proactive approach. All Bureaux have been asked to reach out, identify and cultivate potential women candidates. A special exercise was conducted whereby letters were sent to invite women members of non-governmental organisations, chambers of commerce and professional bodies to express interest in contributing to the work of ASBs, to enter their personal data in the database so as to enlarge the pool of potential women candidates for appointments. In making nominations of ASBs members, officials concerned would need to consider the current position of women representation at the ASB concerned and the impact of

the proposed appointments. The ultimate goal is that the Administration could benefit from the advice and gauge the views of both genders more fully through ASBs.

Women in Public Offices

Government Policy on Recruitment and Promotion

123. The HKSAR Civil Service adopts a policy of equal opportunities in employment. There is no discrimination between male and female employees. Appointment to the Civil Service is based on the principle of open and fair competition. Our aim is to appoint "the best person for the job". Gender is not a requirement or a factor for consideration in Civil Service recruitment and promotion. All eligible candidates of both genders are considered on an equal basis.

Statistics on Women in Public Offices and Senior Positions (Directorate Grade)

124. In considering the Initial Report, the CEDAW Committee noted the low representation of women in the civil service. The number of senior female officers (directorate officers) in the Civil Service has increased significantly from 129 in 1992, to 244 in 1997, and to 347 in 2002. Female civil servants now make up 24% of top positions (directorate officers). This is 28% higher than in 1997 and 136% higher than ten years ago. Among the 19 Principal Officials, the Secretary for Justice, the Secretary for Environment, Transport and Works, and the Secretary for Security are all females. The percentage of female staff in the Civil Service now stands at 34%. The Ombudsman, who acts as the community's watchdog, is also a woman.

ARTICLE 8

EQUALITY IN POLITICAL AND PUBLIC LIFE AT THE INTERNATIONAL LEVEL

"States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations."

Officers representing Government at International Level

125. Officers at Bureau Director / Secretary and senior levels (i.e. directorate grade) as well as those posted at overseas Hong Kong Economic and Trade Officer often represent HKSAR at international level. Posts in the Civil Service are filled by the best suitable officers, irrespective of sex. Officers are selected purely on the basis of relevance to their work and exigencies of the service. Female officers are given the same consideration as male officers. At present, females make up 24% of directorate officers. Among the 11 Hong Kong Economic and Trade Offices in Guangdong and overseas, five are headed by female officers.

126. Furthermore, women have actively represented the HKSAR Government in the work of international organisations. They contribute substantially to various international fora such as those under Asia-Pacific Economic Cooperation, World Trade Organisation and World Health Organisation. It is worth noting that the Commissioner for Narcotics, who is a female officer, represented the HKSAR in holding the Presidency of the Financial Action Task Force on Money Laundering (FATF) for the term of 1 July 2001 to 30 June 2002. This was also the first time in its 13 years history that the FATF was headed by a female president. Women also make up a substantial number of members in HKSAR Government delegations attending hearings of various UN Conventions.

ARTICLE 9

EQUALITY IN NATIONALITY LAWS

"1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

"2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

Acquisition and Transmission of Nationality

127. On 1 July 1997, the Chinese Nationality (Miscellaneous Provisions) Ordinance (Cap 540) was enacted to provide for matters relating to the operation in the HKSAR of the Nationality Law of PRC (the "CNL") and the "Explanations of some questions by the Standing Committee of the National People's Congress concerning the implementation of the CNL in the HKSAR (the "NPCSC's Explanations"). Under the CNL and the NPCSC's Explanations, women and men have equal rights to acquire, renounce or restore nationality. The considerations and criteria for processing nationality applications are the same for women and men. The position has remained unchanged since 1 July 1997 as reported in paragraph 60 of the Initial Report.

Immigration Ordinance

128. The Immigration Ordinance provides for the entitlement to or the acquisition of the right of abode in the HKSAR by Chinese and non-Chinese nationals who satisfy certain conditions, the granting of conditions of stay to temporary residents and the issue of certain documents. Both women and men may acquire the right of abode on the same terms under the Ordinance. A person, whether born in or out of wedlock, may acquire the right of abode by virtue of his / her connection with either parent if he / she satisfies the requisite criteria under the Ordinance.

ARTICLE 10

EQUALITY IN EDUCATION

"States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

d. The same opportunities to benefit from scholarships and other study grants;

e. The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

f. The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;

g. The same opportunities to participate actively in sports and physical education;

h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

An Overview on Current Situation

129. The Government sees education as the most important long-term social investment and has been investing heavily in education and in cultivating talent for the future. In recent years, resources allocated to education have continued to rise significantly despite overall budgetary constraints. Approved public recurrent and total spending on education in 2001/02 financial year amounted to HK$46.2 billion (US$5.92 billion) and HK$52.2 billion (US$6.69 billion) respectively, representing 22.0% of the Government's total recurrent expenditure and 19.4% of the total public expenditure. The Government adopts the principle of equality for both sexes and the equal rights and opportunities to education of females and males at all levels are safeguarded by the SDO[25].

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[25] Relevant information about SDO is covered by paragraph 62 of the Initial Report.

130. Hong Kong provides nine-year free and universal basic education. All children aged six to 15, regardless of their sex, are entitled to nine years of free and universal education. Measures[26] are taken to enforce students' attendance and the drop-out rate[27] of male and female students decreased from 0.282% in 1997/98 school year to 0.173% in 2001/02 school year. The drop-out rates of female students remain consistently lower than male students in recent years.

131. The majority of schools in Hong Kong are co-educational. The number of single-sex schools for boys and girls is largely the same although there are more girls' schools at primary level (Annex F). Entry to these schools is by parental choice and central allocation.

132. On the school curriculum, schools are encouraged to offer the same subjects to both female and male students. For example, physical education lessons are offered to both girls and boys in all primary and secondary schools. In the past, some schools provided the subject Home Economics only to the girls which Design and Technology to the boys. With the introduction of Curriculum Reform in 2001, the subjects Home Economics and Design & Technology are grouped under Technology Education, one of the eight key learning areas (KLAs) in school curriculum. In the document "Technology Education Key Learning Areas Curriculum Guide (Primary 1 – Secondary 3)" issued to schools in July 2002, it is specified that "Technology Education is the entitlement of every student." This key message clearly sets out the direction and framework for the development of the two subjects in schools.

133. Similarly, girls are offered the same opportunities as boys to take part in inter-school, inter-port and international school sports competitions. Relevant figures are set out at Annex G. Sex education programmes are offered at schools to teach students to respect the opposite sex; to have an awareness of the impact of sexual stereotyping and to rethink about the roles and responsibilities of the males and females at home and society from various perspectives. In school subjects like General Studies at primary level, Social Studies, Religious Studies and Liberal Studies at secondary level, students are guided to cultivate such values as "respect for others" and "the spirit of equality between sexes" which are conducive to eliminating discrimination against women.

134. As regards university education, recent statistics on the total enrolment of all programmes funded by University Grants Committee (UGC) at Annex H indicate that there are slightly more female than male students. In 2001/02 academic year, 54.4% of the students are female. During the hearing on the Initial Report, the CEDAW Committee showed concern over the degree of segregation in education specialisation of women and men. It should be noted that HKSAR's tertiary education institutions have adopted a policy of equality for students of both sexes. The admission criteria are based mainly on academic achievements and the qualifications for admission are the same for women and men. While there are more male first degree graduates and post-graduates in the fields of physical sciences, and engineering and technology, statistics show that the trend has been less dominating in the past few years. In 1997/98, 63% of the degree graduates from physical sciences and 83% from the engineering and technology are male, and the figures had decreased to 60% and 77% respectively in 2000/01. A similar trend is also found in these two programme categories at post-graduate level. On the other hand, female students have a stronger presence in the fields of

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[26] The measures were outlined in paragraph 64 of the Initial Report.

[27] Figures on drop-out rate of male and female students are at Annex E.

social sciences, arts and humanities, and education. There is also slightly more female students in the field of medicine, dentistry and health, which is a reverse of the past pattern in the field. Detailed statistics are at Annex I. Indeed, at the postgraduate level, the trend of female students representing an increasing proportion is seen in the fields of physical sciences, and engineering and technology. On the whole, more female students are now taking part in the post-graduate study programmes, and the percentage of female graduates from post-graduate programmes increased from 39% in 1997/98 to 47% in 2000/01.

135. On study programmes, government-funded gender studies are offered at the postgraduate level. Course electives on areas like family and gender studies, gender and society, sexuality and cultural politics, etc, are available for undergraduate students. Also, all tertiary institutions have their own established mechanisms or procedures for handling sexual harassment cases, including setting up committees / working groups which will consider sexual harassment cases and promote equal opportunities within the campus, designating an Equal Opportunities Officer; and publishing policy documents, guidelines and codes for their students and staff on sexual harassment and equal opportunities in general.

136. For sub-degree level education, which refers to study at associate degree or higher diploma level, students are admitted on the merit of their academic attainment and prior learning experiences. Students of both sexes are considered equal. In the 2001/02 academic year, female students account for 54% and 66% of the student population undertaking self-financing and publicly-funded sub-degree programmes respectively.

137. Women also enjoy equal access to vocational training as men. Such information has been covered in paragraphs 70 – 72 of the Initial Report. There are more female trainees enrolled in the vocational training courses offered by the Vocational Training Council. In 1996/97, only 33% of the students enrolled were female and the figure in 2001/02 has risen to 36.1%. The detailed figures on vocational training in the HKSAR are at Annex J.

138. For girls with disabilities, they can receive education as boys at special schools. Currently, 55 out of the 62 special schools under the subvention of the EMB are co-educational (the other seven schools are either boys schools or girls schools for children with behavioural and emotional difficulties), providing girls and boys with equal rights to free and universal basic education up to junior secondary level. As at 15 November 2002, there were 2,780 girls studying in the special schools representing 36% of the total enrolment. Girls and boys of special schools have equal opportunities to take the same curriculum and examinations and progress to senior secondary classes or post-school placement. The principle of equal opportunity is being, and will continue to be, upheld in special education in Hong Kong.

139. Comments have been made on the need to reduce gender stereotyping by paying more attention to the content of textbooks. To avoid prejudices and gender stereotyping in the content of the textbooks, the EMB issues guidelines to publishers of Hong Kong to remind them to look into this aspect. In developing school curriculum or support materials (such as teaching packages, educational television programmes and teaching exemplars) and in reviewing textbooks, the Bureau gives due emphasis to equality of sexes and makes every attempt to avoid sexual stereotyping.

140. On equipping teachers with the necessary knowledge and skills to teach students themes like sexual harassment, sexual abuse, as well as the values of responsibility and respect for others, EMB regularly organizes training courses for teachers on sex education, and sponsors similar courses run by the Family Planning Association of Hong Kong. Since 1996, there have been 1,170 secondary school teachers and 1,030 primary school teachers taking such courses. The Hong Kong Institute of Education (HKIEd) has taken various measures to ensure that teachers / teacher trainers are sensitive towards their own values, attitudes and beliefs on gender. An institutional policy on ethics in research had been formulated in November 2001 which requests teacher educators to instil in their professional practice the values of equity, equality and professional integrity and make reference to such ordinances as SDO and FSDO which highlight the significance of elimination of gender stereotyping and prejudices. Among all other topics on teacher education and education in general, academic staff in HKIEd have also undertaken research projects and produced publications on topics relating to gender issue. A Working Group on Gender and Cultural Diversity has also been set up in the Institute to arouse the gender awareness among the students and lecturers. Seminars and workshops on topics relating to gender issues have been held and they include:

(a) a workshop on Gender and Sex Role in February 2002 for HKIEd students;

(b) a sharing session on "Women Hold Up Half the Sky" in March 2002 to celebrate the International Women's Day; and

(c) a seminar on gender study in China delivered by an academic from the Mainland in January 2003.

141. The Government ensures that no student is denied access to education because of a lack of means. The Government Student Financial Assistance Agency provides financial assistance to students from kindergarten to tertiary levels. Eligibility is based on financial needs of the applicants and, in the case of scholarships, on merit regardless gender. Apart from the major financial assistance schemes mentioned in paragraph 75 of the Initial Report, the Government also extends its financial assistance to needy tertiary and post-secondary students to meet their tuition fees and academic and living expenses in form of grants and / or low interest loans, primarily from the Local Student Finance Scheme and the Financial Assistance Scheme for Post-secondary Students. In addition to the means-tested financial assistance schemes, non-means tested loans are also provided by the Agency to both men and women pursuing approved programmes of study, including continuing education and training courses.

142. Scholarships to students are normally based on merit and are provided by private donors and organisations. Most scholarships are open to students of both sexes although some are made available only to female students. Other than the scholarship especially for women mentioned in paragraph 76 of the Initial Report, the Elizabeth Gardner Scholarship is offered to a female undergraduate and the Hong Kong Webgirls Scholarship is also available for female undergraduates studying Computer Science, Computer Engineering or Information Systems Management.

Women in the Teaching Profession

143. The CEDAW Committee expressed concern over the low percentage of women in the higher levels of the teaching profession and academia during the last hearing of Hong Kong's report held in 1999. The Government has issued guidelines to schools to ensure that the recruitment of

teachers are conducted in an open, transparent and fair manner. Schools are required to consider the candidates' qualifications, working experience, capability, potential during the selection process, regardless of their gender.

144. In the teaching profession of both primary schools and secondary schools, there are more female teaching staff than male and the statistics on the teaching profession in the school sector as at October 2001 is at Annex K. In local ordinary primary schools, 77.6% of the teachers are female and 22.4% are male. In local ordinary secondary schools, 54.0% teachers are female and 46.0% are male. However, there are more male school principals in both primary and secondary schools. Females make up 46.9% of the total number of principals of primary schools, which represents an increase of three percentage points from 1999; and make up 29.2% of secondary school heads, representing a slight decrease from 31.1% from 1999 respectively.

145. In the higher education sector, there has been a slight increase in females taking up professor and reader grades in recent years. The figures rise from 6% and 8% respectively in 1997/98 to 8% and 10% in 2001/02. A staff profile by grade and by sex of the higher education sector in recent years is set out in Annex L.

Highlights of Major Developments

Secondary School Places Allocation System

146. It is mentioned in Article 2 of the report (paragraph 5 and Annex C) that a judicial review was conducted on the Secondary School Places Allocation (SSPA) System in June 2001. Before 2002, girls and boys were processed separately in the SSPA System. This means that boys' and girls' internal assessment results were scaled separately by the Academic Aptitude Test, girls and boys were banded separately for determining the order of allocation and fixed gender quotas (the broad principle was that quotas were allocated in accordance with the sex profiles of the respective school nets) were pre-determined in co-educational secondary schools for allocation. Pursuant to the judicial review, EMB has removed its gender-based features. With effect from the 2002 allocation exercise, there has been no different, nor separate, treatment for either sex in scaling the results of students internal assessments and determining the allocation bands. There is also no pre-determined quota for girls and boys in co-educational secondary schools.

147. In the debate over the past gender-based features, one of the concerns is the different potentials and pace of developments between boys and girls. It has been argued that "equal" treatment to girls might lead to "indirect discrimination" against boys, as the existing assessments give more weight to students' abilities in the languages in which boys are said to be in a less advantageous position. To improve the internal assessment as promoted under education reform, the EMB issued Guidelines on Internal Assessment to primary schools in June 2002, with a purpose to cultivating a new culture of assessment so that girls' and boys' academic potentials could be more fully and equally reflected in the internal assessment. EMB had also arranged seminars to brief the primary school teachers on the guidelines.

148. The Education Commission will conduct a comprehensive review of the SSPA mechanism in 2003. Comments from various stakeholders will be taken into consideration, while the principle of equality in rights and opportunities for girls and boys will be closely observed.

Continuing Education

149. To prepare people for the advent of the knowledge-based economy, the Government has been promoting life-long learning and encouraging Hong Kong people to actively enhance their own knowledge and skills. EMB has been offering a wide range of adult education courses. They include courses on mainstream curriculum as well as non-formal and language courses. They are all co-educational, but according to statistics, about 80% and 60% of the learners of the adult education courses subvented and operated by the Bureau respectively are female. The Bureau is reviewing the mode of provision of adult education, taking into account modern trends in continuing education, while the principles of equal opportunity will continue to be upheld.

150. Offering higher education to all adults, the Open University of Hong Kong adopts a policy of open access and equality for both sexes. Any adult over the age of 17 can apply for admission. As at October 2001, there are 12,971 female students enrolled in programmes of various levels, constituting 48% of the total student population.

151. In promoting continuing education among women and men, some new measures have been adopted in recent years. They include:

(a) Continuing Education Fund

The HKSAR Government established in June 2002 a Continuing Education Fund to subsidize adults to pursue continuing education and training courses in specified fields of study considered to be of benefit to Hong Kong. This Fund reimburses tuition fees up to HK$10,000 (US$1,282) to each successful applicant and is open to applicants of both sexes, provided they have not received any university degree. The aim is to target at those women and men who may be less adaptable in the new knowledge-based economy and who wish to upgrade their knowledge and skills to meet the shift in Hong Kong's human resources needs. So far, about 22,600 persons have applied for subsidy from the Fund and 62% are women.

(b) Project Yi Jin[28]

Project Yi Jin is a programme launched in 2000 to provide an alternative route for further studies. It is open to all secondary school leavers and adult learners, irrespective of their sex. It is skill-based with an emphasis on biliteracy, trilingualism, information technology (IT) application and practical subjects. The programme is offered in full-time or part-time mode to accommodate the needs of different people. There are a total of 3,755 students taking part in the project Yi Jin in 2002/03 of which 39% are female. About one-third of the students are studying part-time. Except for more male students are taking courses related to information technology and more female students are taking specific courses like Child Studies, gender differences in other subjects are not obvious.

A tracking survey on full-time Yi Jin graduates for 2000/01 was conducted. The results show that the passing rates of the female and male students were very similar and were around 70%. Also, the patterns of job type, job nature and monthly salary of the graduates did not suggest any gender differences.

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[28] Project Yi Jin, with Chinese meaning of "determination to advance", is a bridging programme to provide an alternative route and to expand the continuing education opportunities for secondary schools learners and adult learners.

(c) Manpower Development Committee

To promote the provision of vocational training and continuing education for different people, a Manpower Development Committee (MDC) was set up in 2002 to advise the Government on key issues in this area. Through active participation of employers, employees and training providers in the MDC, we will be able to provide more diverse and recognised training courses and continuing education opportunities to meet the needs of different people who would like to upgrade their skills and knowledge through lifelong learning.

(d) Qualifications Framework

To promote continuing education opportunities, the HKSAR Government proposes to set up a cross-sectoral qualifications framework which provides clear progression pathways to facilitate the pursuit of lifelong learning. The framework will cover qualifications in the mainstream, vocational and continuing education sectors, thus providing a common platform for articulation between sectors. It would help learners with different educational backgrounds, whether they are female or male, to draw up their own progression roadmap to upgrade their skills and knowledge. Course providers will also be encouraged to provide more diverse courses to meet the needs of different people.

(e) IT capacity building initiatives for women

The Government has been closely monitoring the level of digital utilisation by different sectors of the community and is determined to build a digitally inclusive society. The annual household survey in 2002 on IT penetration and usage revealed that there was no significant difference between men and women in the use of PC (male: 55.9%; female: 52.3%) and Internet (male: 50.3%; female: 46.2%). Nevertheless, as shown in Annex M, the gap in IT usage between men and women is wider for the age groups above 35. Hence, women, in particular female homecarers, have been one of the target groups in the IT promotion initiatives under the Digital 21 Strategy.

The Commerce, Industry and Technology Bureau, Information Technology Services Department, Home Affairs Department, Social Welfare Department, as well as Leisure and Cultural Services Department have been making concerted efforts to raise grassroots women, elders and other marginalized social groups' awareness of and confidence and capability in using IT. To ensure that members of our community have access to computer facilities and the Internet, the Government has provided over 5,000 public computers with Internet connections at convenient locations such as community centres / halls, public libraries, district offices and post offices for free use by the community. The Super Cyber Centre, the largest facility of this kind with 121 computer workstations, was opened in June 2001. Operating with a membership scheme, 53% of the members in the Super Cyber Centre are female and the Centre has been visited by more than 128,000 female citizens by end December 2002 since its opening. It organizes IT promotion activities as well as basic IT training regularly for women. Women have been active participants in these training courses. Since its opening, a total of 1,584 IT training courses offering 29,787 IT training places to the general public have been organised at the Centre. 18% of the courses offered were tailored for women. Of the 29,787 participants, 19,287 were women.

Under the community-wide IT Hong Kong Campaign, the Government offers free of charge basic IT awareness courses conducted in all 18 districts for women, parents, elders, new arrivals, people with disabilities and the general public. The structure and delivery model of these courses are tailor-made to cater to the distinct needs of different sectors of the community. Over 65,000 citizens have participated in the IT awareness courses under the Campaign. Of the some 26,000 participants in the awareness courses for the general public, 72% were women.

The Government also works closely with non-governmental organisations to raise women's awareness of and confidence and capacity in using IT. For example, relevant non-governmental organisations and IT professional bodies have been invited to participate in the Central Coordinating Committee on the Promotion of IT Usage among Women chaired by the Director of Home Affairs. Also, District IT Promotion Committees have been set up in the 18 districts with an aim to co-ordinate efforts and resources at district levels and to work with local organisations to enhance the effectiveness of training and services provided to grassroots women. The Government also sponsored the Hong Kong Federation of Women's Centres to organise a Symposium on Gender Equality and Information Communication Technology Development in Hong Kong in April 2002. Furthermore, the Internet Professionals Association, with Government's sponsorship, organizes the WebCare Campaign to promote a barrier-free online environment. The Campaign consists of a basic IT training scheme which adopts a "train-the-trainer" approach, so that enthusiastic female volunteers could be trained to provide IT training to others.

Research on Stereotyping

152. In the past few years, the EOC has been undertaking several researches to foster knowledge, establish benchmarks, and to generate an understanding of the community's perceptions in respect of gender stereotypes. Researches conducted include:

(a) "A Baseline Survey of Students' Attitudes toward Gender Stereotypes and Family Roles" in 2000-02 which looked at current levels of acceptance and recognition among primary and secondary school students of gender stereotypes and family roles for future comparison. The study explored students' perceptions of gender issues such as sex traits, occupation orientation, preference of school subjects and extracurricular activities, family roles and dress codes. It was found that both male and female students were markedly gender stereotyped in their thinking on career and subject preferences. These findings served as valuable references to the EOC, education professionals and youth workers in formulating effective strategies to remove stereotyping."

(b) "Research on Content Analysis of Textbooks and Teaching Materials in Respect of Stereotypes" in 1999-2002 investigated the nature and extent of stereotyping in printed educational materials, textbooks and examination papers and looked into aspects such as family role, occupation, economic status, interests, public participation, achievements, social status and emotions as well as the perceptions of various stakeholders responsible for the production of educational materials. The findings were useful in developing recommendation and guidelines for publishers and teachers in providing alternative presentations in textbooks and teaching materials."

(c) "Survey on Design & Technology and Home Economics in Secondary Schools in Hong Kong" in 1999 found that 85% of co-educational schools in Hong Kong did not allow students to choose freely between the subjects of Design & Technology and Home Economics, while most single sex schools only offered one of the two subjects. In October 1999, more than 150 concerned individuals including principals, teachers and members of concern groups, participated in a workshop to share best practices in ensuring that students were given the choice of studying Design & Technology and Home Economics."

ARTICLE 11

EQUALITY IN EMPLOYMENT AND LABOUR RIGHTS

"*1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

a. The rights to work as an inalienable right of all human beings;

b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. "In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

c. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

d. To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. "Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

Reservations entered in respect of this Article and the justification

153. A reservation has been entered on the qualifying period of employment for the application of the provisions contained in Article 11(2). The Government of the PRC also reserves, for the HKSAR, the right to apply all its legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement

on ground of redundancy), whether or not derived from a social security scheme. The position is the same as noted in the Initial Report.

Women's Participation and Standing in the Economy[29]

154. Improved educational attainment, marriage postponement and increased prevalence of spinsterhood among women have been conducive to the growing participation of women in the labour force. In 2002, 49% of the female population aged 15 and above comprised economically active persons and they accounted for 41% of the labour force. The bulk of the female labour force was in the age group of 20-49. These persons together made up 34% of the labour force. Detailed statistics on labour force by sex and by age are given in Annex N.

155. Reflecting both the increasing aspiration of women to take up paid employment and the growing employment opportunities for them, the labour force participation rate for females in the 20-39 age group has been rising steadily over the past decade. However, the labour force participation rate for females aged 15-19, same as their male counterpart, dropped over the years, as more young people preferred to pursue higher education, along with an increase in education opportunities. The labour force participation rate for females aged 60 and above also dropped, as more people in that age group retired. This shows that females, just as males, have been able to share the fruits of economic growth over the past decade. Detailed statistics on the labour force participation rate by sex and by age are given in Annex O.

156. In HKSAR, males and females have equal access to all levels of education. The nine-year universal basic education introduced since 1978 has provided opportunities for all members of society, including women, to acquire the necessary knowledge and skills for their areas of pursuit. By 2002, 30% of all the female employed persons had attained tertiary education. The corresponding figure for the male employed persons was 26% (Annex P).

157. The unemployment rate for females is generally lower than that for males. In 2002, the unemployment rates for females and males were 6.8% and 8.4% respectively (Annex Q).

158. In general, along with the expansion in education and training opportunities, there has been a steady rise in the proportion of women at the higher end of the occupation hierarchy (Annex R). Also, women have continued to enjoy a wide choice of occupations in recent years. Over the past decade, employment opportunities for married women have been on an increase. In 2002, married women accounted for 23.3% of the total employed population (excluding foreign domestic helpers).

159. The proportion of female employed persons in total employment rose to 41% in 2002 (Annex S). The increases in the number and also in the proportion of female employed persons were particularly notable in the service sectors. The proportion of female employed persons in managers and administrators and professional occupations has also been rising steadily (Annex R).

160. Notwithstanding the above, the median monthly employment earnings for females were HK$9,500 (US$1,218) in 2002, as compared with HK$12,000 (US$1,538) for males. Thus, the median monthly employment earnings of females amounted to 79% of the corresponding figure for males in that year. Measures undertaken to enhance further women's employability are covered in

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[29] The statistics under this section have excluded foreign domestic helpers.

paragraphs 182 – 190 and 203 – 211 below. The issue concerning women in public offices is reported under Articles 7 and 8 of the report.

Legislation against Discrimination in Employment Field

Equal Employment Rights and Opportunities

161. Generally, women enjoy the same rights as men to participate in the labour force and in the job of their choices. These rights, as well as the equal access to opportunities for promotion, transfer or training, are protected and ensured by the SDO[30].

162. Equal employment opportunities presume equality in opportunities to prepare for employment through education and vocational training. Relevant sections are included in the SDO for the protection of women[31].

Discrimination based on Marital Status and Pregnancy

163. The SDO and the Employment Ordinance continue to protect women against discrimination based on marital status and pregnancy.

164. The SDO prohibits employers from using pregnancy or marital status as a criterion in the hiring or dismissal of women employees and as a reason for according different treatments to employees. Discrimination on the grounds of marital status and pregnancy in the employment field is generally prohibited.

165. The Employment Ordinance also provides protection against dismissal during pregnancy and maternity leave. A pregnant employee with a continuous contract of employment (i.e. a minimum of four weeks and no less than 18 hours worked in each week) who has served notice of pregnancy on her employer would be entitled to protection against dismissal. An employer who breaches the relevant provision would be liable to pay maternity leave pay, wages in lieu of notice and a further sum of one month's wages. The employer shall also be guilty of an offence and liable upon conviction to a fine of HK$100,000 (US$12,820).

166. If an employee is dismissed under the above circumstances and the employer cannot prove that the dismissal is due to a valid reason (i.e. the employee's conduct; capability or qualifications; redundancy; legal requirement; or other substantial reasons), the Employment Ordinance further provides that the employee is entitled to make a civil claim for remedies. Remedies may include a court order for reinstatement / re-engagement subject to mutual consent of both parties, or an award of terminal payments and an award of compensation up to a maximum of HK$150,000 (US$19,230).

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[30] Please refer to paragraphs 81 – 83 of the Initial Report for relevant sections in the Sex Discrimination Ordinance.

[31] Please refer to paragraphs 84 – 85 of the Initial Report for relevant sections in the Sex Discrimination Ordinance.

Sexual Harassment

167. Under the SDO, women are protected from sexual harassment in the workplace. Relevant information is provided in paragraph 89 of the Initial Report.

Maternity Leave and Maternity Leave Pay

168. The provisions under the Employment Ordinance ensure that female employees are provided with adequate maternity benefits and protection. Details of the provisions are given in paragraphs 95 – 97 of the Initial Report. In 2002, five summonses relating to the termination of the employment contract of a female employee after she applied for maternity leave were taken out and 3 summonses were convicted.

Working Conditions

169. The Occupational Safety and Health Ordinance and its subsidiary regulations seek to ensure the safety and health of employees when they are at work. The legislation provides the same standard of protection of the health and safety of male and female employees in all sectors. Under the Occupational Safety and Health Regulation, pregnancy is specified as one of the factors to be considered in the risk assessment exercise in relation to manual handling operations.

170. The Factories and Industrial Undertakings Ordinance and its subsidiary regulations are HKSAR's principal law on industrial safety and health. They prescribe requirements for the prevention of accidents and diseases, including detailed rules for certain trades and work processes. The relevant provisions apply to industrial undertakings such as factories, mines, quarries, shipbuilding, construction work and catering establishments. Under the legislation, an employer has a general duty to ensure the safety and health of his / her employees and the same standard of protection is provided for female and male employees.

Mandatory Provident Fund

171. With the coming into force of the Mandatory Provident Fund (MPF) Schemes legislation on 1 December 2000, there is now a system of privately managed, employment-based MPF schemes to accrue financial benefits for members of the paid workforce, irrespective of their genders, when they retire. Except for exempted persons, employees[32] and the self-employed aged between 18 and 65 are required to join MPF schemes. Mandatory contributions[33] are calculated on the basis of 5% of an employee's relevant income, with the employer matching the employee's contribution. Self-employed persons also have to contribute 5% of their relevant income. The participation rate of the relevant employers, employees and self-employed persons in MPF schemes, which are regulated by the Mandatory Provident Fund Scheme Authority (MPFA), reached 93.6%, 95.6% and 81% respectively at the end of 2002. Employer , employees and self-employed persons can opt to make extra,

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[32] Under the law, an employee is defined as any full-time and part-time employee who is employed for a continuous period of not less than 60 days under an employment contract.

[33] Mandatory contributions are subject to the minimum and maximum levels of income, which are HK$5,000 (US$641) and HK$20,000 (US$2,564) respectively. Employees earning less than the minimum monthly income do not need to contribute but their employers have to contribute 5% of the employees' income. For employees earning more than HK$20,000 (US$2,564) a month, mandatory contributions are capped at HK$1,000 (US$128). The above minimum and maximum income levels also apply to self-employed persons.

voluntary contributions in addition to the mandatory contributions. Female and male employees an self-employed persons have equal access to and are treated equally under the schemes.

Administrative Measures to Address Sex Discrimination

Code of Practice on Employment

172. The EOC has drawn up two sets of Code of Practice on Employment under the SDO an the FSDO. For details, please refer to paragraph 94 of the Initial Report.

Administrative Measures to Address Discrimination based on Pregnancy

173. The Labour Department promotes the awareness of female employees on their rights an benefits in respect of maternity protection through various channels including seminars, exhibition and talks. Publications on relevant legislative provisions are also distributed free to femal employees and their employers.

174. Legislative provisions in respect of maternity protection are set out in paragraphs 163 t 166 above.

Administrative Measures to Address Discrimination based on Age

175. As mentioned in the Initial Report, the Government considered it prudent and appropriat to address discrimination based on age through a sustained programme of publicity, public educatio and self-regulation. Since then, the Government has continued with its effort in publicising t members of the public, including employers and employees, the principle of equal opportunities an in raising the public awareness on eliminating age discrimination in employment. The promotiona activities included: (i) broadcasting of announcements of public interest on TV and radio; (ii) placin advertisements in prominent places; (iii) promoting measures to guard against age discrimination i the workplace through guidebooks, exhibitions and functions; and (iv) appealing to advertisers t advise customers against placing recruitment advertisements with unreasonable age requirements.

176. Since 1999, two opinion surveys were carried out to gauge the views of the public on ag discrimination in recruitment in 1999 and 2002 respectively. The results of the 2002 survey indicate that there had been a marked improvement in recruitment advertisements where only 8.3 advertisements had age restrictions, whilst previously the number was 23.4%. Moreover, the majorit of the household and employer respondents were aware of the government's publicity campaig against age discrimination. The survey also showed that for companies exposed to more publicit materials, they were less inclined to link age with work performance and more inclined to have ant age discrimination guidelines in recruitment. The results suggested that public education is effectiv in raising employer's awareness on eliminating age discrimination.

177. In fact, statistics published by the Census and Statistics Department indicate that, in th third quarter of 2002, the unemployment rates for the 30-39 and 40-49 age groups were 5.5% an 6.8% respectively. The unemployment rate for workers aged 20-29 was 10%, higher than th unemployment rate for females in the same age group of 8.7%. For women, the third quarter of 200 unemployment rate was 5.8% for those aged 30-49 and the corresponding rate for men in the sam

age group was higher at 6.4%. These figures do not suggest that the position of older workers or women is worse than that of younger ones or males[34].

178. Since the Labour Department extended its conciliation service to handle complaints related to age discrimination in employment in October 1997, only one such complaint has been received by the Labour Department as at December 2002.

Women and Poverty[35]

179. The Government notes the CEDAW Committee's concern over the discrepancies in wages earned by men and women and the disproportionate number of women in the lowest wage levels when it reviewed the Initial Report in 1999. The median monthly employment earnings for females, at HK$9,500 (US$1,218) in 2002, were 21% lower than the median monthly employment earnings of HK$12,000 (US$1,538) for males in that year. Among those persons earning less than the overall median level of HK$10,000 (US$1,282) in 2002, 49% were females. Yet, only 35% of those earning at or exceeding the overall median were females. According to the findings of a mailed questionnaire survey commissioned by the Women's Commission in 2002 on the extent and levels of positions taken up by women in the private and non-governmental sectors in Hong Kong, only about a quarter of the top or senior management positions were taken up by women. Furthermore, only 9% of the female working population were engaged at the top or senior management level, as compared to over 20% for the male working population.

180. It is noted that female workers taken together tend to be less experienced than male workers, as some of the working women may become homemakers and thus may not stay in the labour force for very long. In 2002, 39% of female employees were aged 40 and above, distinctly smaller than the proportion of 47% for male employees. Also, there is a higher proportion of women than men working in part-time, temporary or casual jobs. In 2002, 15% of female employees worked less than 35 hours per week, larger than the proportion of 10% for their male counterpart. For all the female workers as a whole, the median hours of work, at 44 hours per week in 2002, were shorter than those for male workers, at 48 hours per week. Conceivably, this was partly due to the need for some of the female workers to work part-time and to take care of their families at the same time.

181. To upgrade women's skills and raise their employability, continuing education and retraining opportunities are provided to women as reported under Articles 10 and 11 respectively. Employment services are also available to women who wish to obtain jobs, which is covered in paragraphs 183-185. Comprehensive Social Security Assistance (CSSA) is also provided to women who are financially vulnerable to meet their basic and essential needs as set out in Article 13.

Task Force on Employment

182. The Task Force on Employment was set up by the Government in 1998 as a high-level forum to tap the views of the business community, labour sector, academia and the political parties on ways to tackle unemployment. The Task Force seeks to map out an overall strategy for tackling unemployment and to monitor its implementation. The Task Force examines the unemployment

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[34] The statistics under this section have excluded foreign domestic helpers.

[35] The statistics under this section have excluded foreign domestic helpers.

problems faced by different groups of the unemployed and devises measures to help create jobs with a view to facilitating employment of women and men.

Employment Services for Women

183. The Labour Department actively promotes equal opportunities in employment. It provides free employment services for all job-seekers including women, through a network of 11 job centres. In 2002, a total of 208,895 job-seekers were registered, of whom 109,030 were female. The proportion of female job-seekers increased from 45.3% in 1999 to 52.2% in 2002. The Job Matching Programme, introduced in April 1995, offers proactive services for the unemployed. These services include personalised in-depth interviews, counselling, job matching and, where appropriate, referrals to tailor-made retraining courses. Of the 16,679 registrants of the Programme in 2002, 59.8% were female, as compared with the corresponding figure of 59.6% in 1999.

184. Middle-aged women who are seeking employment may also join the Re-employment Pilot Programme for the Middle-aged. The Programme was launched in February 2001 to assist registrants of the Labour Department who are unemployed for more than 3 months, and aged 40 or above, to secure a job. Eligible female job-seekers, like their male counterparts, are offered pre-employment training, induction training and follow-up counselling services through the programme. As at the end of December 2002, a total of 13,524 job-seekers participated in the Programme and 8,209 of them were women. A total of 4,869 job-seekers were placed by referrals into employment, and 60.5% of these were women.

185. The Labour Department has taken on-going measures to eliminate discriminatory practices on recruitment. The Department vets information carefully to ensure that no restrictive requirements based on sex and age are included in the vacancies they receive. Employers will be advised to remove them should there be such requirements, or their request for placing such vacancies will be refused.

Youth Pre-employment Training Programme

186. Since 1999, the Labour Department has launched the Youth Pre-employment Training Programme (the Programme) to provide young school leavers aged 15-19 with a wide range of employment-related training and workplace attachment with a view to improving their employability and competitiveness. In 1999-2000, 2000-01 and 2001-02, some 10,700, 12,100 and 12,700 young people were trained, of whom 47.9%, 48.4% and 44% respectively were female.

Youth Work Experience and Training Scheme

187. The Youth Work Experience and Training Scheme (the Scheme) provides work experience and job-related training for young people aged 15-24 with education attainment below degree level. The Scheme includes a 40-hour induction course on communication and interpersonal skills by non-governmental organisations; 50-hours counselling and case management services by registered social workers; and on-the-job training of 6 to 12 months by employers. The Scheme was officially launched on 24 July 2002 and will run for a period of two years. For the current phase of the Scheme, 48% of the trainees are female. As at 31 December 2002, 6,085 trainees have secured employment. Of these, 2,780 (45.7%) were females.

Retraining Programmes

188. The Employees Retraining Scheme (ERS) provides retraining primarily for displaced employees affected by economic restructuring to enable them to re-enter the job market by acquiring new or enhanced skills. All retraining programmes are open to applicants of both sexes. Over the past ten years from October 1992 when the ERS started up to October 2002, about 77% of the 630,000 and more retrainees who have gone through these retraining programmes were female. These retraining programmes include job-specific skills, general or generic skills, job search skills as well as self-employment / business start-up skills. Courses are organized on both full-time and part-time basis to meet the specific needs of retrainees. The retraining programmes provide workers and those wishing to re-join the labour force with more job opportunities and wider choices of occupation, and possibilities of upward mobility.

189. In the past few years, a number of new initiatives have been launched in the ERS to enhance the employability and competitiveness of retrainees in the local labour market. These include the establishment of two Retraining Resource Centres to provide self-learning and job-seeking facilities for trainee graduates, a Self-employment Business Start-up Assistance Scheme to enable graduates of self-employment programmes to take out loans from lending institutions.

190. It is noted that many families in Hong Kong are in need of some form of domestic help to look after domestic chores or take care of family members. At the same time, many local workers and homemakers are interested in taking up domestic helper job. In view of that, ERS has provided domestic helper training places since September 1995. Most of the places are taken up by women who aspired to re-enter the labour market or to change fields. To facilitate effective referrals and minimize mismatch, an Integrated Scheme for Local Domestic Helpers to provide comprehensive services to employers of local domestic helpers and retrainees was initiated in March 2002. A Practical Skills Training and Assessment Centre to conduct practical skills assessment of the competency standards of retrainee graduates, with domestic helpers training as the pilot run, commenced in October 2002 as well. All these schemes are accessible to eligible retrainees, irrespective of gender, and have been useful in capacity building women and men in Hong Kong.

Imported Workers and Foreign Domestic Helpers

191. As of end January 2003, there are about 236,000 foreign domestic helpers (FDHs) employed in Hong Kong. The CEDAW Committee has shown concern that the migrant workers might be exposed to abuse and custodial violence. In Hong Kong, imported workers and FDHs enjoy the same rights and protection as their local counterparts under the labour legislation. The Crimes Ordinance and Offences Against the Person Ordinance apply to protect FDHs against violence. Regardless of their nationality, the FDHs are eligible to apply for Legal Aid Scheme[36] provided by the Government. FDHs seeking redress on labour disputes may apply for extension of stay.

192. Like local workers, the statutory employment benefits and protection enjoyed by imported workers and FDHs include:

(a) entitlement to payment of wages, rest days, holidays with pay, paid annual leave, sickness allowance, maternity protection, severance payment, long service payment, employment protection, and protection against anti-union discrimination as provided under the Employment Ordinance;

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[36] Details of the Legal Aid Scheme are in paragraph 318.

(b) compensation for work-related injuries / death as provided under the Employees' Compensation Ordinance; and

(c) entitlement to ex-gratia payment for recovery of outstanding wages, wages in lieu of notice and severance payment under the Protection of Wages on Insolvency Ordinance (PWIO) in case their employers become insolvent.

193. Employers are required to sign standard employment contracts with their imported workers and FDHs to safeguard the latter's employment rights and benefits. Employment terms such as post title, duration of employment, remuneration, place of employment and accommodation standard are clearly spelt out in the contract. The contract provides that accommodation, free medical treatment and passage as well as visa fee should be provided by employers. A minimum allowable wage is imposed in employment contracts of FDHs and is regularly reviewed. Notwithstanding periodic adjustments, the minimum allowable wage for FDHs in Hong Kong remains one of the highest in the region.

194. To cater for the social and recreational needs of FDHs, the Government launched a scheme in 1994 to establish a number of centres for FDHs to gather and carry out activities on their rest days.

195. The Administration identifies suitable sites for the establishment of these centres and oversees the implementation of the entire scheme. The finance, management and promotion of these centres are undertaken by the Hong Kong Bayanihan Trust (the Trust), a non-profit-making organisation formed by a group of Philippine businessmen working in Hong Kong. At present, there are six Sunday-only activity centres operating in selected school premises and one full-time centre for FDHs which can cater for about 3,900 FDHs.

196. The full-time centre opens 7 days a week. It provides a wide variety of facilities such as library, beauty salon, cafeteria and computer rooms. Besides, a wide range of training courses and cultural and sport programmes are held in the centre. The centre is popular among the FDHs especially on Sundays while the Sunday-only activity centres are usually used by FDH organisations to hold activities involving a large number of participants. Other Government and Government-sponsored initiatives in helping FDHs adapt to life in Hong Kong and facilitating their integrating into the mainstream community are detailed in paragraphs 295 – 298 in Article 13.

197. There is in place an effective mechanism for imported workers and FDHs to seek redress if their statutory or contractual employment benefits are infringed. They may lodge claims with the Labour Department which will provide free conciliation service to assist them in resolving their disputes with employers. In 2002, the Labour Department handled 2,651 claims lodged by FDHs and two claims lodged by imported workers under the Supplementary Labour Scheme. If a claim cannot be resolved by conciliation, imported workers and FDHs may seek adjudication at the Labour Tribunal or the Minor Employment Claims Adjudication Board depending on the amount of claim.

198. The Labour Department conducts thorough investigation into every complaint regarding infringement of employment benefits of migrant workers with a view to prosecution so as to safeguard their rights. In 2002, 29 summonses were taken out against employers of imported workers

for various offences under the Employment Ordinance and the Employees Compensation Ordinance, and 25 summonses were convicted. We also liaise closely with the relevant Consulates, and cooperate with migrant worker groups and non-governmental organisations providing support services to migrant workers, and encourage them to refer complaint cases to the Labour Department for investigation. To tackle cases of underpayment of wages to FDHs and other malpractices including the overcharging of commission by employment agencies, the Government has recently set up a task force comprising representatives from the Labour Department, Police and Immigration Department to take actions to crack down on such illegal practices.

199. Publicity materials containing information on their employment rights and benefits as well as the channels of complaint against their employers are published by the Labour Department in Chinese, English and several other languages. They are disseminated to imported workers and FDHs free of charge after their arrival. Briefing sessions are also organized for imported workers and FDHs to ensure that they are aware of their employment rights and obligations.

200. All the imported workers and FDHs in Hong Kong have free access to consultation and telephone enquiry services provided by the Labour Department in respect of information on their employment rights and benefits.

201. As a general policy, if an imported worker or FDH's employment is pre-maturely terminated, the worker is allowed to remain in the HKSAR for remainder of the permitted limit of stay, or for two weeks from the date of termination, whichever is shorter. The policy does not preclude imported workers or FDHs from working in Hong Kong again after returning to their place of domicile. The cost of return flight is fully borne by the employer. Suitable flexibility is allowed for special cases (such as the employer is in financial difficulty; the family is emigrating; or there is evidence that the FDH has been abused), the Government may exercise discretion to permit FDHs whose contracts have been prematurely terminated to change employment without having to return to their place of domicile. In 2002, 6,518 cases (71.6% of the total applications) were approved.

202. Measures are in place for workers to seek redress and assistance in case they suffer from maltreatment or abuse by their employers. The aggrieved worker may terminate the employment contract prematurely without notice or payment in lieu and lodge claims at the Labour Department for statutory and contractual entitlements against the employer. For FDHs, they may also approach the Immigration Department and apply for change of employers on ground of maltreatment. Where the maltreatment or abuse amounts to a crime or in case of custodial violence, the worker may report the case to the Police for assistance.

Child-care Facilities

203. As at 31 December 2002, there were a total of 50,879 day nurseries places, among which 29,063 were Government aided places. The number of day crèche places available at the end of 2002 was 1,455, among which 1,113 were aided places. These were sufficient to meet the service demand, in view of the decline in the child population (children aged under 6) from 412,180 in 1996 to 355,197 in 2001. In addition, the number of kindergarten places provided in 2002/03 amounted to 207,900.

204. In addition to the regular centre services mentioned above, SWD has continued to develop a wide range of flexible child care services to meet the various needs of parents and to effectively prevent children from being left unattended at home. There are 241 occasional child care service units with a total of 723 placements providing short-term child care service to families with sudden engagements. The extended hours child care service, which allows parents to pick up their children from crèches or nurseries late after work, was expanded extensively from 210 in 2000 to 1,610 places in February 2001. These services facilitate parents having long or irregular working hours to sustain their employment and attain self-reliance. Some non-governmental organisations also organize training courses for women who are interested to take up childminding and arrange matching of the trainees with families in need of such service. SWD has stepped up the promotion on various child care services to needy families in 2002 through the publication of a Child Care Centre Information Booklet and publicity through the mass media.

205. In order to tackle the problem of leaving children unattended at home, the provision of occasional child care to parents in need has been strengthened. SWD provides support to social welfare agencies, church bodies, women's or kaifong[37] associations to set up mutual help child care centres on a self-financing and non-profit-making basis. A mutual help child care centre (MHCCC) provides occasional child care and supervision to a maximum of 14 children under the age of six. The service is delivered by parents and volunteers in the form of mutual help in the neighbourhood. Funding support for MHCCC takes the form of concessionary welfare rental charged by the Housing Authority, reimbursement of rent and rates by SWD on an application basis subject to availability of resource, and Lôtteries Fund grant for fitting-out work and purchase of furniture and equipment. As at December 2002, there were a total of 24 MHCCCs (with 9 operated by non-governmental organisations and 15 by SWD) in operation, and there will be 14 more such centres coming on stream.

206. Starting from September 2000, the Government subsidised 6,000 places of the After School Care Programme (ASCP) over the territory. The subsidised ASCP aims at providing supportive services for children aged six to 12 whose parents are unable to provide proper care for them after school hours due to work or other reasons. Services include homework guidance, meal service, parent guidance and education, skill learning and other social activities.

Carers Support Service

207. It has been the government's policy to assist elders to age in the community as far as possible and to enable families to take care of elders aging at home.

208. Our long term care programme for frail elders is structured around two main forms of care delivery : community and residential care. Together, the community and residential care programmes offer older people and their families a broad range of services and support, depending on their needs and circumstances.

209. Various elderly units provide a range of carer services including information dissemination, training, emotional support and respite service. Since 2001/02, all newly established day care and residential elderly service units (including Enhanced Home and Community Care

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[37] Note: The Cantonese word "Kaifong" literally means people living in a particular street. In common usage it refers to people living in the same neighbourhood.

Services, Day Care Unit, Contract Residential Care Home for the Elderly) have incorporated carers support service as one of their service components. In addition, in re-engineering community support services for elders, all District Elderly Community Centres, Neighbourhood Elderly Centres and Integrated Home Care Services Teams will also provide carers support service as part and parcel of the service components. The implementation of these enhanced services will take place from April 2003 onwards.

210. Respite services (including day respite and residential respite services) have been strengthened and included in all newly set up residential care homes, as well as home and community care services to provide temporary relief to carers since 2001/02.

211. Academic institutions such as the University of Hong Kong, government departments such as the SWD and Department of Health and other organisations such as the Hospital Authority also provide training to both formal and informal carers.

Equal Pay for Work of Equal Value

212. The Government notes the recommendation of the CEDAW Committee on the inclusion of the principle of equal pay for work of equal value (EPEV) in relevant legislation. Our position is that the SDO addresses the question of EPEV, though it defers adjudication on particular cases to the Courts. The EOC is planning a promotional drive to persuade employers of the merits of EPEV. But it must be accepted that the application of the concept of EPEV presents practical difficulties in the context of Hong Kong, where most business operations are small and medium enterprises. Employers would need to develop objective job classification and wage-fixing systems and employ qualified personnel to administer them. This and other possible implications for employers, particularly small and medium enterprises, require critical examination.

213. In 1997, the EOC commissioned an inter-university team of researchers to conduct a feasibility study on the implementation of EPEV in the context of Hong Kong. The study examined issues such as the gender gap in employment and earnings, problems faced by local firms in implementing EPEV, and how EPEV could be implemented in Hong Kong. These implementation recommendations were contained in the study report completed in October 1998. Against this background, a conference was held in March 2000 to introduce the EPEV concept into the public arena for discussion. More than 300 participants comprising government, employers, women's organisations, trade unions, human resource practitioners and academics attended the conference.

214. In 2001, with special funding from Government, the EOC commissioned a study on EPEV with a view to promoting the implementation of EPEV in Hong Kong. The first phase of the study involves the public sector while the second and third phases focus on the private sector. In addition, a second conference on EPEV was held in October 2001. The conference brought together a panel of experts from Australia, Canada and the United Kingdom to focus on international best practices in the field of pay equity. The conference helped participants to better understand the implementation of EPEV in Hong Kong through examining good overseas practices of the concept. About 200 participants comprising employers, human resource practitioners, policy-makers and labour and human rights activists attended the conference.

ARTICLE 12

EQUALITY IN ACCESS TO HEALTH FACILITIES

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to healthcare services, including those related to family planning.

"2. Notwithstanding the provisions of paragraph 1 of the article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

Women Health Status in Hong Kong

215. Health is a prerequisite for an individual to work productively and participate fully in social life. As reflected by the major health indices, women in Hong Kong are enjoying good health. This section describes the health status and highlights important health problems for women.

Mortality and major causes of deaths

216. Mortality rate for female for the year 2001 was 4.2 as compared to the crude death rate of 5.0 per 1,000 population. The age-specific death rates of females were lower than males in all age groups. On average, females live longer than males with life expectancy[38] at birth of 84.7 years and 78.7 years for females and males respectively in 2002. Maternal mortality ratio[19] had remained low at 4.2 per 100,000 live birth for the year 2002.

217. Among females, the three leading causes of death were malignant neoplasm, heart diseases and cerebrovascular diseases accounting for 57% of total deaths in women in 2001. Cancer deaths in women are dominated by cancers of the lung, colon and breast cancer which accounted for 24%, 9% and 9% of the total cancer deaths in women respectively.

Disease incidence and prevalence

218. The top killing disease, malignant neoplasm, is also main causes of morbidity in women. According to the Hong Kong Cancer Registry, a total of 21,349 new cases of cancers were diagnosed in 2000, of which 45% occurred in women. Cancer of the breast (20%) was the commonest among women followed by cancer of the lung (13%), colon (10%), rectum, rectosigmoid junction and anus (5%), and cervix (5%). It has been observed that 32% of the cancers among females occurred in the sex-specific sites i.e. breast and reproductive organs in contrast to only about 7% among men.

219. Heart diseases are prevalent among women in Hong Kong. According to a local study conducted in 2000, the prevalence of coronary heart diseases among women is estimated to be 2.7% as compared to 2.2% in men. For hypertension, the prevalence in women was estimated to be 11% while the corresponding figures for men was 10% by a territory-wide survey conducted in 1996.

220. Because of its long-term effects including a greater risk of heart diseases, cerebrovascular disease and blindness, diabetes mellitus is a significant concern for women's health. A report of

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[38] The life expectancy at birth of women and men, and the maternal mortality rate in 2002 stated are provisional figures.

Department of Health in 2002 shows that the prevalence of diabetes mellitus in women is 9.8% which was comparable to that for men (9.5%).

221. Mental health problems have become increasingly important in Hong Kong. Hong Kong had a high suicide rate, although males are about 50% more likely to commit suicide and die than females. However, the reverse was observed for parasuicide. According to a study on youth parasuicide in 1998, the rate were 60 per 100,000 for females as compared to 20 per 100,000 for males. Women are also vulnerable to psychiatric disorders in the first three postpartum months. It was estimated in a study in 2001 that 13.5% of recently delivered women suffered from at least one form of psychiatric disorders during the postnatal period.

222. The sexually transmitted diseases (STD) recorded in public STD clinics are quite steady in recent four years. STD affect more male than female at a male-to-female ratio of 1.35:1 in recent four years. By the end of 2002, a minority (18.7%) of the 2,015 HIV-infected individuals are females. The male-to-female ratio has, however, been narrowing from 8:1 ten years ago to about 3:1 in 2001 and 2002. Almost all infected women are the result of heterosexual infections.

Health-related behaviour

223. In 2000, 12.4% of population aged 15 or above were daily smokers. Of these daily smokers, 14.8% were females. Despite the decrease in number of smokers over the years, there is an increasing trend of young women smoking in the past few years. The female smoking prevalence increased from 2.9% in 1998 to 3.5% in 2000. The increase concentrated among teenage girls, where the observed prevalence doubled during the period.

224. Overweight or obesity increases the risk of a range of health problems such as coronary heart disease, diabetes and joint disease. In the survey in 1996 mentioned in paragraph 219, Women are less likely than men to be overweight (26.7% versus 32.6%), however, they are more likely to be considered as obese (7.0% versus 5.4%).

225. Lack of physical activity is recognized as an important contributory factor not only for obesity but also hypertension and injury. In the above survey in 1996, in female population, 61% reported not doing exercise as compared to 58% for male.

226. Practice of unsafe sex is responsible for unwanted pregnancies and various sexually transmitted diseases. According to the survey of Family Planning conducted by Family Planning Association of Hong Kong (HKFPA) in 1997, the overall proportion of women currently practising contraception had shown an increasing trend from 72% in 1977 to 86% in 1997 for those aged 15 to 49. Condom was the principal method of contraception.

The Sex Discrimination Ordinance

227. Women's right in accessing health care services is protected by the SDO. Please refer to paragraph 119 of the Initial Report for details.

Government Strategy and Targets

228. The HKSAR Government accords high priority to the health of its population, women and men alike. Under the long held health policy of ensuring no one is denied adequate medical treatment

because of lack of means, the Government targets to provide accessible, equitable and quality public health care services to members of the community on the basis of their health care needs.

Access to Care

Health Services for Women

229. The Government offers comprehensive preventive, promotive, curative and rehabilitative health care services for women of all ages through the Department of Health, Hospital Authority and other government-funded health organisations. These services are described below.

230. The public services are complemented by the private health care sector. The private sector has a valuable role to play in the provision of care that it is more flexible in responding to patients' request and offers a wider range of choice of services that are charged at a higher fee.

Preventive and promotional service

(a) Cervical cancer screening

In the year 2003/04, a population-based cervical cancer screening programme will be established in collaboration with other health care providers. To plan for the implementation of the screening programme, a Cervical Screening Task Force chaired by the Director of Health was established to oversee the planning and implementation of the programme. The programme is expected to improve coverage of screening, thus reducing the incidence and mortality from cervical cancer.

(b) Services in connection to child birth

In Hong Kong, free antenatal and postnatal services are provided to safeguard the pregnancy course and ensure physical and psychological well-being of pregnant women. The obstetrics unit of public hospitals provides specialist antenatal care and inpatient care for delivery. Women at risk of postpartum depression will be given special attention and support. Those who are suspected to have postpartum depression will receive appropriate referral service. A new health education leaflet and an educational video have been produced to raise public awareness about postpartum depression and its prevention.

(c) Child care

Recognising the women's important role in caring for the family especially children, mothers are equipped with the necessary knowledge and skills of childcare. Besides, a territory-wide parenting programme has been launched in 2002 to increase parents' knowledge and skill, and hence their competence and confidence in raising healthy and well-adjusted children. Parents of all children attending the Maternal and Child Health Centres (MCHCs) receive anticipatory guidance in parenting, which is appropriate to the age and stages of the child's development, through comprehensive information leaflets, workshops and / or individual counselling. For parents of children with early signs of behaviour problems or those who encounter difficulties in parenting, more intensive training is provided.

Since August 2000, a Breastfeeding Policy has been implemented in the MCHCs to ensure uniform practice among staff in the promotion of breastfeeding and to facilitate creation of a supportive environment. All pregnant women and their families are given information on the benefits of breastfeeding through leaflets, videos and / or individual counselling. Mothers who wish to breastfeed are given practical guidance and support, through individual counselling and support groups.

(d) Sexual and reproductive health

Women in Hong Kong are enjoying counselling service and prescription of contraceptives at a low nominal charge at MCHCs.

The Government-subvented Family Planning Association of Hong Kong (HKFPA) also plays an important role on providing family planning services in Hong Kong. It runs eight birth control clinics, three youth health care centres, a mobile clinic and seven women's clubs which provide sexual and reproductive health services, education and information. The services encompass fertility regulation, gynaecological check-up, pre-marital and pre-pregnancy preparation, menopause service and youth counselling.

In improving women's sexual and reproductive health, the HKFPA introduced in 1999 the first Menopause Service in the territory to offer integrated clinical and educational service to women in the older age group, aiming at promoting their health through screening and disease prevention. The HKFPA also runs Women's Clubs in several districts to promote family planning, women's health and family life education at the grassroots level. A Well Men Clinic was also introduced in mid-2001.

The association also offers training in family life education and sex education, and organises outreaching activities and publicity campaigns to promote family planning and responsible parenthood. Furthermore, the continuous influx of women from Mainland China within the reproductive age range calls for appropriate education and services. The Educational and Informational Programme for New Arrivals from the Mainland was a three-year pilot project carried out from 1998 to 2001. The project aimed at providing support to newly arrived women to foster a responsible attitude towards family planning and promote understanding of sexual and reproductive health.

Regarding medical termination of pregnancy, as reported in the paragraph 133 of the Initial Report, the Offences Against the Person Ordinance provides for medical termination of pregnancy by a registered medical practitioner in an approved hospital or clinic if two registered medical practitioners are of the opinion, formed in good faith, that the continuance of pregnancy would involve risk to the physical or mental health of either the pregnant woman or the child.

(e) Health education

Health education are provided at the point of health care service delivery to promote healthy lifestyles and combat important health risk factors such as obesity and lack of exercise. Apart from these, large scale health education campaigns catered for the specific needs of women are organised. In August 2002, publicity programmes were carried out around the World Breastfeeding Week. Women Health Ambassador Training Courses were conducted to empower women to make healthy life choices and become health advocates themselves. A total of over 1,700 Women Health Ambassadors have been trained so far.

The Health Care and Promotion Fund aims to step up efforts on health promotion and disease prevention, and providing assistance to certain patients in need. Since 1999, the Fund had granted $14.79 million (US$1.9 million) to 38 health promotion projects, HK$17.49 million (US$2.24 million) to 36 research projects.

(f) Controlling smoking

The Hong Kong Government enacted the Smoking (Public Health) Ordinance in 1982 to restrict the use, sale and promotion of tobacco products. Tobacco advertising encourages smoking and increases tobacco consumption. With a view to reducing tobacco use, particularly among women and youth whose smoking prevalence is on a rising trend, the Hong Kong Government has proposed to amend the Ordinance to further tighten control over tobacco advertisement and promotion.

Apart from legislation, publicity and education are also in place to combat tobacco use. The Government has also levied a heavy taxation on tobacco.

To help existing smokers to quit, the smoking cessation service provided at public clinics and hospitals was strengthened by introducing nicotine replacement therapy in 2001. As at end 2002, a total of 4,815 clients have enrolled in the counselling and cessation sessions, among which 16% were female.

The Hong Kong Council on Smoking and Health (COSH) is a non-governmental organisation subvented by the Government to protect and improve the health of the community by informing and educating the public on the harm of smoking; engaging in research into the cause, prevention and cure of tobacco dependence; and advising the Government and any community organisations on matters relating to smoking and health. The Council conducted publicity and community involvement campaigns with particular emphasis on discouraging smoking in public places and in workplaces. Innovative programmes, such as the No-smoking Day in the Workplace, were devised. Other than publicity and education programmes, the Council also operates a telephone hotline to receive enquiries, suggestions and complaints from members of the public on matters related to smoking and health.

In response to the call of the World Health Organisation for concerted efforts to counteract the rising trend of women smoking in Asia, the Council convened in 2000 a Women's Action Group on Tobacco Control aimed at preventing women and girls from taking up smoking and protecting them from the harms of secondhand smoking. In May 2001, the Group organised a "Great Search for Smoke-free Office Lady Competition" targeting at the female working population to promote the message of secondhand smoking prevention in workplace.

(g) Psychological health

Since July 1997, the HKSAR Government has spent about HK$23.5 million (US$3.01 million) on public education activities and publicity campaigns to promote the integration of people with disabilities and their acceptance by the community. Nearly half of the amount has been spent on fostering public acceptance of people who have recovered or suffering from mental illness and the mentally handicapped.

In October each year, the Health, Welfare and Food Bureau organises, in collaboration with government bureaux/departments, statutory bodies and non-governmental organisations, a territory-wide "Mental Health Month" to promote public awareness of mental health and integration of ex-mental patients. This annual public education programme includes television/radio campaigns, complemented by poster campaigns, television dramas, radio talks, seminars, awards to good employers of disabled persons, and so forth.

The Department of Health has produced a variety of health education materials to promote mental health and one specifically addresses women's mental health. These health education materials not only provide information directly to the public, but also facilitate other organisations to promote mental health. Information on mental health is available at all clinics / health centres and health education centres of the Department as well as on the webpage and the 24-hour health education hotline of the Department's Central Health Education Unit (CHEU).

Frontline staff of the Department of Health have been provided with training programmes on mental health regarding basic principles in identification of patients with suicidal risk, management of depression and counselling skills. Professional education materials are also uploaded on the website of CHEU for reference by health professionals.

(h) Sexually transmissible diseases

Free services are offered to all women (including sex workers) and men who suspect they themselves may have acquired sexually transmitted diseases (STDs). The Department of Health operates eight female STD clinics which provide free screening, treatment, counselling and education services for the prevention of STDs.

(i) HIV prevention

The Government-appointed Advisory Council on AIDS (ACA) provides policy advice on all aspects of HIV / AIDS prevention, care and control. The Department of Health AIDS Unit provides secretariat support to ACA and also operates the Government's HIV surveillance system, prevention programmes and care services. ACA advises on strategy development in women and plays a co-ordinating role through its AIDS Prevention and Care Committee. The HIV prevention and health promotion activities for women are conducted by the Government, non-governmental organisations and women organisations which incorporate HIV / AIDS in their programmes for women.

The AIDS Trust Fund also supports community efforts on HIV prevention and care by funding a significant proportion of the projects on women initiated by community organisations.

By the end of 2002, a minority (18.7%) of the infected individuals (2,015) are female. The male-to-female ratio has however been narrowing from 8:1 ten years ago to about 3:1 in 2001 and 2002. Almost all infected women are the result of heterosexual infections. Mother-to-child transmission constitutes a unique route for HIV spread. As at the end of 2002, 15 children contracted the virus from their HIV-infected mothers.

Women are provided counselling by the Department of Health on the practice of safer sex and voluntary HIV testing. In the year 2001, 20% of the HIV testing service users were women. A universal voluntary HIV testing for pregnant women was introduced in September 2001 to prevent the transmission of the virus to the unborn child. In the first year after implementation, over 40,000 HIV tests had been performed in the public service, of which 12 were positive. The opt-out rate was low at about 4%.

In mid-1997, the Red Ribbon Centre which functions as a clearinghouse of AIDS education resources was opened. The Centre was designated as UNAIDS (Joint United Nations Programme on HIV / AIDS) Collaborating Centre in December 1998. The Centre produces education materials and periodicals, and organises training programmes and publicity activities to the general public, specific target groups and professionals. Some community organisations such as St. John's Cathedral HIV Education Centre, Action for Reachout and Hong Kong Federation of Women's Centres also play an active role in the prevention of HIV infection and health promotion in women.

With the rising rate of heterosexual HIV transmission, the number of HIV infected women would likely increase. ACA has included under the set of guiding principles for the framework for strategies in 2002 to 2006, that gender issue be adopted as a perspective that should be incorporated in the development of programmes on HIV prevention, treatment and care.

In the coming years, programme on HIV prevention and care for women would be further enhanced through (a) the efforts of women organisations and other mainstream non-governmental organisations, with the support of the government, and (b) the introduction of support services and activities for HIV positive women.

Ambulatory curative service

231. A comprehensive range of public ambulatory services including accident and emergency services, general and specialist outpatient services, and outreach services are provided by the public sector. Obstetrics and gynaecology specialist services are specially designed to cater for the needs of women.

Inpatient service

232. Inpatient services are provided by the 41 public hospitals, which accounted for 86% of inpatients treated in 2001. Services are equally available for women and men. Similar to ambulatory

services, inpatient obstetrics and gynaecology specialist services are provided to cater for the needs of women.

Enabling Resources for Care

233. As mentioned earlier, it is the Government policy that no one should be denied adequate medical treatment through lack of means. To meet this commitment, the government heavily subsidises various health care services using its tax revenue. Most of the preventive and promotional services are provided at very low rates, or free of charge. The user fees for public medical services, including both inpatient and outpatient services, are heavily subsidised by the Government (as user fees only account for 4% of the full cost of service) and a fee waiver mechanism is in place for those who could not even pay for this heavily subsidised rate. The public expenditure on health has increased steadily during the past 5 years from HK$28 billion (US$3.59 billion) or 2.1% of GDP in 1997/98 to HK$34 billion (US$4.36 billion) or 2.7% of GDP in 2001/02.

234. Private health expenditure is financed by out-of-pocket household expenditure. A proportion of the population have further financial protection through privately purchased health insurance and the medical benefits provided by their employers or household members' employers. According to a survey conducted in 2001, the rates of insurance / medical benefits coverage for male and female are similar as shown in Table 1.

Table 1 Rates of insurance and medical benefits coverage (%)

	Female	*Male*
Privately purchased Medical insurance	*25%*	*23%*
Medical benefits related to employment	*30%*	*30%*

Health Services Utilisation

235. In 2001/02, there were about 1.2 million discharge episodes from Hospital Authority hospitals, of which about 53% were female and 47% were male. The average length of stay per discharge episode was around 6.6 days for female and 9.2 days for male.

236. According to a population survey conducted in 2001, the utilisation of ambulatory care were shown as Table 2.

Table 2 Percentage share of doctor consultation by sex

	Percentage of consultation	
	Female	**Male**
Public sector		
Accident & emergency	56%	44%
Specialist clinic	56%	44%
General clinic	58%	42%
Private sector		
Specialist clinic	56%	44%
General clinic	55%	45%

237. As indicated by the data, the utilization of health care service for women is slightly higher than that for men. There is no evidence that women had inequitable access to these services as compared to men.

Highlights on Services for Women with Special Health Needs

Women with Disabilities

238. Disabled women in Hong Kong are provided with equal treatment as regards access to health facilities and services just like any other person in the community. In respect of services in connection with pregnancy and women health, disabled women are treated no differently from other women.

239. In addition, disabled women are provided with care and services specially designed for people with disabilities under the Rehabilitation Programme, including prevention and assessment of disability, and medical rehabilitation in hospitals, clinics and infirmaries. As for residential services, as at December 2002 there were 5,421 hostel and home places, and 223 supported hostel places for people with disabilities who could neither live independently nor be adequately cared for by their families. For aged blind people who were unable to look after themselves adequately, or in need of care and attention, 899 places were provided in homes and care-and-attention homes. For ex-mentally ill patients, there were 980 long stay care home places and 1,349 halfway house places.

240. Professional back-up services from clinical psychologists, occupational therapists and physiotherapists are provided for people with disabilities in rehabilitation day centres and hostels. Support services such as home-based training and support for mentally handicapped persons, community mental health link for ex-mentally ill persons, after-care service for dischargees of halfway houses, domiciliary occupational therapy service, and the community rehabilitation network

for persons with visceral disability or chronic illness are provided in the community. Furthermore, respite service for disabled persons, occasional child care service for disabled pre-schoolers and six parents resource centres are provided to meet the special needs of families with disabled members.

Girl-Child

241. The Government provides a wide range of health services dedicated to children of both sexes, including:

(a) Health care services for children up to five years of age: A comprehensive child health promotion and disease prevention programme is provided through Maternal and Child Health Centres (MCHCs) to children from birth to five years of age. In 2002, 207,867 children aged below five attended the child health service. Among them, 52,899 were new clients. The total attendance of the service was 715,969.

(b) The Student Health Service provides regular physical examinations, health screening, health education and counselling for primary and secondary school students. In the school year 2001-02, the total number of primary and secondary school students was about 950,000. Of this, 749,800 students (79%) enrolled in the Student Health Service.

(c) Specialist clinics: There are seven Child Assessment Centres under the Department of Health providing specialised assessment for children from birth to 12 years of age with developmental problems through a multi-disciplinary team approach. There are also 18 specialist outpatient clinics providing paediatric services under the Hospital Authority.

(d) Immunisation and control of communicable disease: In 2002, 94.9% of local newborn babies attended the MCHCs. The immunisation programmes include tuberculosis, hepatitis B, poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps and rubella. The coverage rate of the immunisation programme for school children from primary one to primary six students was over 99% in 2001-02.

(e) Dental Care: The School Dental Care Service provides dental examination, preventive and restorative dental treatment to enrolled primary school children at a nominal annual fee. In the 2001-02 school year, 88% of primary school population participated in the scheme. The Oral Health Education Unit of the Department of Health provides oral health education through various means.

(f) Education on AIDS: The prevention and control of AIDS is dealt with through public education and the school curriculum. In schools, a train-the-trainer approach is adopted whereby guidelines, leaflets, booklets, a learning pack and a teaching kit providing guidance on teaching about AIDS are distributed.

(g) Health Education: Training is provided to Student Health Ambassadors and School Health Ambassadors to organise health education activities in schools, and assistance is offered to schools to form health clubs.

(h) Hospital Service: As at end of March 2002, there were a total of 1,221 and 159 hospital beds dedicated to paediatric patients (including intensive care) and paediatric surgery respectively.

Elderly Women

242. Elderly women enjoy equal access to health facilities and services just like any other person in the community. Common health problems of elderly women include stroke, chest infection, fracture neck of femur, heart failure, cancer and genital prolapse, for which a comprehensive range of inpatient, outpatient and community outreach services are provided by Hospital Authority. To cater for the special health problems faced by the elderly, the Department of Health also established the Elderly Health Services in 1998 to enhance primary health care for the elderly with the aim to improve their self-care ability, encourage healthy living, and strengthen carers' support so as to minimise illness and disability. This is achieved through 18 Visiting Health Teams (VHT) and 18 Elderly Health Centres (EHC) to tie in with the 18 administrative districts.

243. VHT collaborate with other elderly service providers. They outreach into the community and residential care settings to disseminate information on healthy ageing, offer professional advice to service providers, provide support and training to carers, and provide vaccinations for elderly people living in residential care homes. EHC address the multiple health needs of the elderly by providing preventive, promotional, and curative services to persons aged 65 or above, using a multi-disciplinary team approach involving doctors, nurses, dietitians, clinical psychologists, physiotherapists, and occupational therapists. In 2001, a total of 42,410 elderly were enrolled in EHC, of which 65% were women. Both VHT and EHC conduct health promotion activities which are tailored to the needs of specific target groups. These may be in the form of talks, support groups or skills training, addressing various health problems including those specific to, or more common among women such as "breast and cervical cancer", "osteoporosis", and "urinary incontinence".

Drug Abusers

244. The Department of Health operates an out-patient methadone maintenance as well as detoxification programmes for female and male drug abusers. There are at present 20 methadone clinics in Hong Kong operating daily including Sundays and public holidays. Counselling services at methadone clinics are provided by the Society for the Aid and Rehabilitation of Drug Abusers (SARDA). Methadone clinics thus provide a point of contact to refer patients to other treatment and rehabilitation agencies when necessary.

245. SARDA provides services to both female and male drug abusers. It runs two residential centres for female drug abusers, providing detoxification and rehabilitation programmes to different age groups. Other than counselling, the centres also provide clients with some general education classes and vocational training classes. Another programme is family-oriented for preparing the in-patients to integrate in their families. Parenting skills and household management training are also provided.

246. Family support and general acceptance by society are two important factors for successful attainment of abstinence by drug abusers. Thus, the centres have always encouraged their ex-clients to stay as members of self-help groups for mutual support in maintaining drug-free. To cater for the need of young clients with babies and children, SARDA has provided a separate room in one of the centres for these young mothers. SARDA also plans to employ clinical psychologists to further enhance their services.

247. The Government has accorded priority to providing services to female young drug abusers. Other than the services mentioned above, the Administration and non-governmental organisations have launched a series of measures and services as below:

(a) Since March 1998, the SWD started to subvent four non-medical voluntary drug treatment and rehabilitation agencies which provide drug treatment and rehabilitation services through a range of programmes such as religious based programmes, peer support, intensive counselling, etc. Among them, Barnabas Charitable Service Association and Operation Dawn Limited provide drug treatment and rehabilitation services for female drug abusers;

(b) A number of non-subvented non-governmental organisations also operate a variety of drug treatment and rehabilitation programmes for female drug abusers. They include the Wu Oi Christian Centre, St. Stephen's Society, Christian Zheng Sheng Association and the Mission Ark;

(c) The Three-year Plan on Drug Treatment and Rehabilitation Services in Hong Kong (2000-02) coordinated by Narcotics Division stipulates that it is worth developing gender-specific treatment programmes for women. Government departments and non-governmental organisations concerned would actively examine feasible measures to tackle the problem of female young drug abusers;

(d) Under the subsidy of Beat Drugs Fund, Barnabas Charitable Service Association started the "Sunflower Café", a two-year project to provide gender specific programme for female drug abusers through provision of counselling, group therapy, computer training and recreation activities etc, since October 2001; and

(e) As a follow-up to the Report on Review of Methadone Treatment Programme, the Government has allocated additional resources with effect from 2002-03 to SARDA for enhancement of support services for methadone patients, particularly young and female patients.

248. With the above joint efforts of the Government departments and NGOs concerned, the number of female young drug abusers decreased from 1,211 in 2000 to 946 in 2002.

ARTICLE 13

WOMEN IN ECONOMIC, SOCIAL AND CULTURAL LIFE

"States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to family benefits;

b) The right to bank loans, mortgages and other forms of financial credit;

***c)* The right to participate in recreational activities, sports and all aspects of cultural life."**

Family Benefits: Social Security

249. Hong Kong has a highly developed system of welfare services and institutions comparable to any in Asia. The Government's social security policy is to meet the basic and special needs of disadvantaged people, including such people as the financially vulnerable, the elderly and the severely disabled. This is achieved through a comprehensive social security system administered on an entirely non-contributory basis. The Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance (SSA) Scheme are two prominent features of the system wholly funded by the general revenue. A person can receive either assistance under the CSSA Scheme or one of the allowances under the SSA Scheme. All Hong Kong residents, irrespective of their sex, race or religion, enjoy equal access to social security. Despite the low tax rate and narrow tax base of Hong Kong[39], the Government has been providing an adequate safety net which can help the financially vulnerable to meet their basic and essential needs. The CSSA and SSA expenditures together account for 11% of Government recurrent expenditure.

Government Expenditure on Social Security

250. In the 2001/02 financial year, the Government spent a total of HK$19,798 million (US$2,538 million) on social security and it was increased to HK$22,417 million (US$2,874 million) in the 2002/03 financial year. The latter represented 11% of total estimated recurrent Government expenditure and 1.8% of the forecast Gross Domestic Product for the year. The corresponding figures for the 1991/92 financial year were HK$3,746 million (US$480 million), 5.3% of total recurrent Government expenditure and 0.5% of the Gross Domestic Product. In other words, there has been a four-fold increase in government expenditure on social security in the past decade.

251. Indeed, in order to meet the increasing demand for CSSA, we have in the 2002/03 financial year sought a supplementary provision of HK$250 million (US$32 million) from the Finance Committee of the Legislative Council to top up the original provision of $16,000 million.

Comprehensive Social Security Assistance Scheme

252. The CSSA Scheme provides a safety net for those who for various reasons such as old age, disability, illness, unemployment, low earnings or single parenthood, are unable to fund basic

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[39] In 2002/03, the taxpaying population was estimated to be about 1.2 million and the number of employees about 3.2 million. The total population was about 6.8 million.

livelihood needs. Assistance under the Scheme includes women who are substantially engaged in caring for the young, elderly or disabled family members at home and are therefore not available for work. Divorced women failing to receive adequate maintenance payments from their ex-spouses can also apply for CSSA.

253. The Scheme is means-tested. It provides cash assistance to recipients up to a prescribed level to meet their basic and essential livelihood needs. In addition, all CSSA recipients are entitled to free medical treatment at public hospitals or clinics. As at end December 2002, some 467,000 people were receiving assistance under the Scheme. Amongst them, about 52% were female recipients.

254. In response to growing public concern about the rapid growth in the CSSA caseload and expenditure and the need to guard against the emergence of a dependency culture, the Government has implemented a package of policy measures, including a Support for Self-reliance (SFS) Scheme since 1 June 1999, aimed at encouraging and helping able-bodied unemployed CSSA recipients to rejoin the workforce and move towards self-reliance.

255. The SFS Scheme consists of two programmes: the Active Employment Assistance (AEA) programme and the Community Work (CW) programme. As part of the scheme, we also provide an incentive, by disregarding part of the CSSA recipients' income, to encourage them to find work and continue working. Through the provision of personalised service under the AEA programme, participants are facilitated to get access to up-to-date employment-related information, training / retraining opportunities and other support services or employment assistance programmes to find work. The CW programme also helps unemployed recipients to develop a work habit, improve socialisation and increase their self-esteem and confidence, paving the way for employment in future through the arrangement of unpaid community work.

256. As at end December 2002, 80% of single parents receiving government financial support through CSSA were women. Many single parent families receive other forms of support and assistance apart from financial help. In order to help single parent CSSA recipients with young children to become more self-reliant and integrated into society, the "Ending Exclusion Project" was launched in March 2002. This project comprises a voluntary employment assistance programme and more focused and better co-ordinated services, including strengthened child care arrangements, family education, supportive programmes and outreaching services. As part of this Project, single parents with young children are allowed a higher level of monthly disregarded earnings under the CSSA Scheme to provide a greater incentive for them to take up a paid job. By December 2002, 2,397 single parents had participated in the project.

257. To be eligible for CSSA, the applicant must meet the residence requirement set out in the Scheme, but in cases of genuine hardship, the Director of Social Welfare has the discretion to waive this requirement. The applicant must also pass both income and assets tests. In addition, able-bodied adults who are unemployed or working part-time but available for full-time work are required to actively seek a paid job and participate in the SFS Scheme as a condition of receiving assistance.

258. The CSSA Scheme embraces different standard rates to meet normal day-to-day living needs, such as food, fuel and light, clothing and footwear, of different categories of recipients. In addition, an annual long-term supplement is paid to those who are old, disabled or medically certified to be in ill-health and who have been receiving assistance continuously for more than 12 months for

the replacement of household and durable goods. A monthly supplement is also paid to single parents in recognition of the special difficulties they face in bringing up families on their own without the support of spouses.

259. Apart from these payments, other payments in the form of special grants are payable to cover rent, water charge, schooling expenses, childcare centre fees and burial expenses. Recipients who are old, disabled or medically certified to be in ill-health are also entitled to other special grants to meet their special needs such as medically recommended diets and appliances.

Social Security Allowance (SSA) Scheme

260. The SSA Scheme provides cash allowance for the severely disabled and elderly to meet special needs arising from disability or old age. The SSA Scheme includes the Old Age Allowance and Disability Allowance which provides monthly flat-rate allowances to elderly persons aged 65 or above and to persons who are severely disabled. As at end December 2002, 561,000 persons were receiving allowances under the SSA.

Old Age Allowance (OAA)

261. Currently, elders in need of financial assistance can apply for CSSA. On the other hand, the OAA provides a monthly allowance to elders aged 65 or above to help them meet special needs arising from old age. As at end December 2002, some 455,700 people were receiving this allowance. About 56% of the OAA recipients are elderly women. As at end December 2002, about 170,000 CSSA recipients were aged 60 or above (i.e. about 36.5% of all recipients). Altogether, about 626,000 elders aged 60 or above were receiving social security payments under CSSA or OAA. They represented about 61% of all the population aged 60 or above and 77% of the population aged 65 or above. In the financial year 2002/03, an estimated total of HK$11.8 billion (US$1.51 billion) will be used to provide financial assistance to elders through CSSA and OAA.

Disability Allowance (DA)

262. DA is payable to Hong Kong residents of all ages who are certified by recognized medical authorities to be suffering from a disability broadly equivalent to 100% loss of earning capacity. It is non-means-tested. As at end December 2002, some 105,300 people were receiving this allowance. Among them, about 51% are female recipients.

Social Security Rates

263. The standard rates under CSSA and SSA are adjusted with reference to the movements of the Social Security Assistance Index of Prices (SSAIP).[40] Despite continuous deflation since 1999, the CSSA and SSA standard rates have remained frozen. To take into account abated inflation and subsequent persistent deflation in the past few years, there is room for a downward adjustment of the

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[40] The SSAIP is specially compiled by the Census and Statistics Department on a monthly basis to measure inflation / deflation according to the expenditure pattern of CSSA households. It consists of the same items as the Consumer Price Index, except that items which are covered by special grants under the CSSA Scheme (for example, rent) are excluded. The movement of the index is used as a reference for making adjustments to CSSA and SSA standard payment rates to take account of price changes.

standard rates by 11.1% without affecting the originally intended buying power of the benefits to meet basic and essential needs.

264. The Government has therefore decided to adjust the standard rates under the CSSA Scheme for able-bodied recipients and those of the DA under the SSA Scheme downwards by 11.1% in accordance with the established mechanism from June 2003. Other standard payment rates under CSSA will also be adjusted downwards from June 2003. The OAA rates of the SSA Scheme will reamin frozen until subsequent inflation catches up.

265. We have allowed for a cushioning period for the adjustment to take place to help recipients to adjust their spending pattern. For able-bodied CSSA recipients and DA recipients, their adjustment will be effected in June 2003. For non able-bodied CSSA recipients (i.e. the elderly, the disabled and those certified to be in ill health), their adjustment will be effected in two phases in October 2003 and October 2004 respectively.

266. The rate adjustment is necessary because against the general economic situation and high unemployment, the number of families and individuals requiring financial support by Government is bound to increase. To sustain this safety net, we have to ensure that our limited public resources go further to meet the increasing demand for social security payments. The adjustment is not and should not be viewed as welfare cuts. The Government remains committed to providing a reliable and financially sustainable safety net to look after the elderly, the disabled, and the disadvantaged groups.

267. After the adjustment, the 1-person to 6 or more person CSSA households will still get on average HK$3,399 (US$436) to HK$13,119 (US$1,682) a month. The payments are comparable to or even higher than the average monthly household income of the corresponding non-CSSA households in the lowest 25% income group, and higher than the average monthly expenditure of the non-CSSA households in the lowest 20% expenditure group.

Family Benefits: Tax Allowance

268. Women and men have the same rights and obligations under the current tax system. Both women and men are eligible to a number of allowances deductible from the taxable income of taxpayers. They include basic allowance / married person's allowance, child allowance, dependent brother / sister allowance, dependent parent / grandparent allowance, single parent allowance and disabled dependant allowance. Please refer to paragraphs 151 – 153 of the Initial Report for details.

Community Investment and Inclusion Fund

269. In the 2001 Policy Address, the Chief Executive announced a plan to establish a HK$300 million (US$38.46 million) Community Investment and Inclusion Fund. The objective of the Fund is to bring the community closer together, to foster a sense of belonging and to build up shared values by encouraging mutual concern, support and assistance. The enhanced community participation and social inclusion will strengthen the support provided through the community network to individuals and families, thereby reinforcing the message that Hong Kong is a caring community. The Fund also aims to encourage and facilitate cross-sectoral co-operation, including non-governmental organisations and private sector participation, in social networking and community support projects. Before the Fund was launched for application, the Women's Commission met with women's groups and service agencies in October 2001 to hear their views on how the Fund should operate.

270. The Fund supports community-initiated projects which seek to promote social capital. Community groups, including women's groups are eligible to apply for support to projects that promote community participation, mutual help and self-help. The Fund was launched for application in August 2002 and a number of applications from women's groups have been successful. We plan to process applications in two to three batches a year, over the next three years.

New Arrival Women

271. The daily quota of One-Way Permits for people from the Mainland to rejoin their families in Hong Kong was increased from 105 to 150 with effect from July 1995. Although the number of people entering Hong Kong has been quite constant over the past four years since the last hearing of the CEDAW Committee on the Initial Report by Hong Kong, there are several noticeable changes to the profile. The Government aims to identify the changing demographic profile of new arrivals (NAs) in recent years and streamline services to meet the changing needs.

272. The most noticeable change to NAs in Hong Kong is the increase in the number of adult (aged 20 and above) females in the past few years, i.e. from around 36% of the total NAs of all ages in 1998 to around 45% in the third quarter of 2002, with most of the adult female NAs aged between 20 and 39, according to the Home Affairs Department (HAD) survey. It is also noted that adults now comprise the majority of NAs. Adult NAs accounted for about 64% of the total NAs in 2001 as compared to only 41% in 1998. The proportion of adult males also increased from 4.5% to 12% during the same period. As for children and youngsters arriving at Hong Kong during the same period, the distribution between male and female was similar, accounting for about 21% and 22% of the total NAs respectively.

273. We are fully aware of the need to provide services to facilitate the newly arrived women from the Mainland to integrate into the new environment. Our strategy has been to foster effective coordination within Government and to maintain a close partnership between Government and the non-governmental organisations that provide services to NAs. At the central level, the Permanent Secretary for Home Affairs (PSHA) chairs a Steering Committee on New Arrival Services to provide policy directives on services for NAs. PSHA also chairs a quarterly round-table meeting with nearly 30 non-governmental organisations to discuss the effectiveness of services for NAs and issues concerning them. At the district level, District Officers chair District Coordinating Committees to complement the work at the central level.

274. With the increase of adult female NAs in recent years, employment has become a major problem facing NAs. Many of the adult female NAs do not have high levels of education and do not speak fluent Cantonese, it is relatively more difficult for them to find jobs than local residents. In addition to nine job centres, the Labour Department has operated two New Arrivals Employment and Guidance Centres since 1997 to provide a comprehensive range of employment services tailor-made for NAs, including NA women. Services include provision of labour market information in areas such as local domestic helpers, employment counselling, briefings on practices and conditions of work in Hong Kong, career guidance, intensive job matching and job referrals. For those possessing higher educational qualifications, they are introduced to the internet-based Interactive Employment Service.

275. Training programmes, such as core-courses on job search skills for NAs run by Employees Retraining Board, help increase their employability. In 2002, over 70% of the programmes'

participants were female. They can also join various skills training courses provided under the Employees Retraining Scheme.

276. The Government attaches importance to the early integration of NAs into the local community. Like other local residents, NA women are entitled to a wide range of welfare services ranging from family service, child care service, group work service, community support service, financial assistance, etc. In February 2001, together with the strengthening of the services of the four existing post-migration centres, four additional post-migration centres were set up to provide a package of preventive and supportive programmes for the NAs from the Mainland with focus on providing early intervention and strengthening the support network. The services include employment guidance and job-related training courses, orientation programmes, language classes, family education and parent education programmes, counselling and referral services, etc. to reduce adjustment problems and enhance self-reliance.

277. In order to tackle the passive attitude of NAs in seeking assistance, outreaching service was placed with weight in the service delivery of these centres, which act as a gateway to follow up service. NA women who are identified to have relationship problems with their spouses due to long separation or found to be at risk of family violence can be referred to family service centre or family and child protective service unit for prompt assistance. Between February 2001 and December 2002, the eight post-migration centres served a total of 30,296 NAs. In addition to the subvented programmes, non-governmental organisations are running different projects with funding support from other sources like the Hong Kong Jockey Club Charities Trust and the Community Chest to serve the NAs. These initiatives include community education programmes, employment programmes, volunteer service and integrated projects.

278. The relaxation of the residential requirement for application for public housing since August 2001 has helped NA women faced with family changes to acquire public rental housing. Those NA women need not fulfil the seven-year residence qualification if half of her family members satisfy the seven-year residence rule. This policy aims to meet social changes in view of the increase of NA women and their housing needs affected by family changes. Furthermore, female divorcees with less than seven years' residence in Hong Kong may be offered compassionate public rental housing on the recommendation of the SWD.

279. To promote community acceptance of NAs and to enhance mutual understanding between residents and NAs, the Home Affairs Bureau and HAD jointly organized Community Education Programmes in 2001 and 2002. Through television and radio APIs and district activities, the message of "Building a harmonious future together" was disseminated. The programme was well received. Around 25,000 NAs, including many female NAs who participated in the events as volunteers, and local residents took part in the activities.

280. Since 1996, HAD has published a handbook to NAs to provide information on various services in traditional and simplified Chinese. The contents of the handbook are updated regularly. The handbook also includes information for female NAs such as single parent services, family planning, employment counselling, etc. The contents of the handbook have also been uploaded onto the Internet.

281. Given the changing profiles of NA women, the demand for services varies over time. In order to accurately determine the needs of NAs, the HAD conducts regular surveys on the needs of NAs and launched an in-depth study on the fourth quarter of 2002 and the first quarter of 2003 to determine the service needs of NAs after they have begun to settle down. The questionnaire included questions that concerned NA women such as their need of vocational training, child-care services, family problems, school placements, medical services and housing. The results of the study would be shared with different government bureaux, departments and non-governmental organisations to facilitate planning and re-targeting services in various areas when necessary.

Single Parents

282. The revised conditional tenancy arrangements for public housing introduced in November 2001 as well as the established practice that all deserving cases recommended by the SWD are eligible for compassionate rehousing, have enabled couples undergoing divorce proceedings to be rehoused separately with / without child(ren) while awaiting the award of divorce decree. The number of the women who benefited from such policies are as below :

Year	No. of Women
2001/02	208
2002/03 (Apr to Sep. 2002)	129

283. Under the current policy on Housing Arrangement for Divorced Couples living in Public Rental Housing, the tenancy is usually granted to the party having the custody of child(ren). If the single divorcee (any gender) being displaced from the public rental housing flat is genuinely homeless, an Interim Housing unit may be offered subject to his / her fulfilment of the eligibility criteria.

284. Single parent families are often under considerable stress in adjusting to single parenthood. As many of them have to handle a wide range of problems single-handedly, they may not be as competitive as other parents in job seeking and are more prone to social isolation and economic deprivation. SWD and non-governmental organisations have been providing them with a range of welfare services through the extensive network of 66 family services centres / integrated family service centres. Besides, five single parent centres have been set up to provide dedicated support services to enhance self-reliance and resilience of single parent families. The services include supportive counselling, family education / parent education programmes, group work / networking programmes, employment-related training, volunteer services, information on resources and referral services, etc. Outreaching service is placed with weight with the aim to identify single parent families in need of early intervention. Between February 2001 and December 2002, the five single parent centres served a total of 6,325 single parent families.

Women with Disability

285. Disabled women in Hong Kong have the equal rights to enjoy economic and social life as do any other citizens. Their rights are protected by the DDO, which aims "to render unlawful discrimination against persons on the ground of their or their associates' disability in respect of their employment, accommodation, education, access to partnerships, membership of trade unions and

clubs, access to premises, educational establishments, sporting activities and the provision of goods, services and facilities; to make provision against harassment and vilification of persons with a disability and their associates; to extend the jurisdiction of the Equal Opportunities Commission to include discrimination against persons on the ground of their or their associates' disability, and for connected purposes." (Cap. 487) The DDO binds the government as well as the private sector.

286. At the High-level Intergovernmental Meeting organized by the United Nations Economic and Social Commission for Asia and Pacific (UN ESCAP) in October 2002 to conclude the Asian Pacific Decade of Disabled Persons (1993-2002), Members endorsed a regional framework of Action (Biwako Millennium Framework for Action) aiming to achieve an inclusive, barrier-free and rights-based society for people with disabilities in Asia and the Pacific. "Women with disabilities" is one of the seven priority areas for action under the framework. It was agreed by the High-level Intergovernmental Meeting that the Biwako Millennium Framework for action would be valuable in setting guidelines and targets for national, sub-regional and regional programmes on disability over the next ten years. The meeting also agreed that the seven priority areas specified in the framework provided a useful focus for future programmes and activities. The HKSAR being an affiliated member of UN ESCAP will continue to support the Decade movement and draw reference from the contents of the Biwako Millennium Framework for Action in developing its future programmes and activities related to women with disabilities.

287. Disabled women receive the same services and assistance provided for people with disabilities under the Rehabilitation Programme which includes vocational training and employment assistance. Access to education and health services for women with disabilities is covered under Articles 10 and 12 respectively.

288. Regarding the employment situation of women with disabilities, according to a territory-wide household survey conducted in 2000, of the 260,500 persons aged 15 and over with disabilities[41], 22.9% (i.e. 59,700) were economically active and 35% of these economically active persons (i.e. 20,900) were females. Those employed persons with disabilities had relatively lower educational attainment than the total employed population probably because of their physical or mental constraints. About 40.6% of them had primary education or below, as against 18.4% for the total employed population. With a view to assisting persons with disabilities in obtaining paid employment positions, the Labour Department provides special employment services to job-seekers with disabilities. In 2002, it registered a total of 4,225 job-seekers with disabilities, out of whom 1,815 were female. Of the 2,572 placements secured by persons with disabilities in the same period, over 47% were filled by females. This compares with the figure of 38.8% in 1999. The three most common industry sectors which employed persons with disabilities were engaged in were the community, social and personal services sector (28%), the wholesale, retail and import / export trades, restaurants and hotels sector (25%), and the manufacturing sector (14%). About 60% of the employed persons with disabilities earned less than HK$10,000 (US$1,282) per month in 2000. The median monthly employment earnings was HK$8,000 (US$1,026), for all employed persons with disabilities taken together. This was slightly lower than that of the total employed population, which was HK$10,000 (US$1,282) at that period.

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[41] Excluding mentally handicapped persons as their number was considered to be subject to under-estimation in the survey.

289. In facilitating people with disabilities in seeking open employment, the government has introduced the Self Help Integrated Placement Service (SHIPS) and Trial Placement cum Mentor Scheme for People with a Disability since April 2000 and January 2002 respectively. SHIPS aims at encouraging and helping disabled job-seekers to be more pro-active and independent in the search for jobs. Group counselling sessions are provided to the disabled job-seekers to improve their job-searching skills and interviewing techniques. Computer facilities (including internet browsing), telephones and fax machines and access to the latest careers information are made available to the disabled job-seekers in the employment offices. Parallel to the continual placement service rendered by the Labour Department, the disabled job-seekers are encouraged to search and apply for jobs on their own initiative. As at 31 December 2002, 1,743 job-seekers with disabilities (of whom 797 are women, i.e. 46%) have participated in the programme. The programme has successfully placed 1,323 disabled job-seekers (of whom 618 are women, i.e. 47%) in employment, representing an overall placement rate of 75.9%.

290. The Trial Placement cum Mentor Scheme for People with a Disability is also in place at which the disabled workers undergo a one-month trial period and their employers receive a subsidy equal to half of the wages paid to them during the trial period, subject to a maximum of HK$3,000 (US$385). 600 disabled job-seekers are expected to benefit from the scheme in three years. To enhance peer group acceptance, which is highly conducive to the early integration into the workforce and retention of the disabled employees, participating employers are requested to appoint a staff member as the "mentor" of each disabled employee so that immediate assistance and social support may be rendered to the disabled employees throughout the trial period. The initial response to the scheme is encouraging. Up to 31 December 2002, of the 237 disabled persons (of whom 110 are women, i.e. 46%) participating in the scheme, 185 (of whom 90 are women, i.e. 49%) were offered full employment by the employers upon completion of the one-month trial.

291. Disabled women, like other women in Hong Kong, are protected from various forms of violence and abuse as enunciated in detail in this Report under Article 5. However, women with mental deficiency may have higher risk in becoming targets for sexual abuse given that perpetrators are more likely to take advantage of their deficiency. In addition to the protection given to them by their families and the police, the Criminal Procedure Ordinance (Cap. 221) protects and assists vulnerable witnesses in criminal proceedings. Protection includes live television link and video recording of a witness' testimony.

Minority women

Legislation against racial discrimination

292. The Hong Kong BORO proscribes discrimination of all kinds, including racial discrimination, on the part of the public sector. Additionally, the Broadcasting Ordinance (Chapter 562) prohibits broadcasts that incite hatred on account of colour, race, sex, religion, nationality, or ethnic or national origin. There are similar prohibitions in other statutes and administrative codes[42].

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[42] The Telecommunication Ordinance (Chapter 106), the Film Censorship Ordinance, the Codes of Practice on Programme Standards for television and radio broadcasts in Hong Kong.

293. We recently completed consultations on the question of legislation against racial discrimination in the private sector, receiving diverse views in response. We are considering how best to balance competing considerations and will announce a decision as soon as possible.

Government and Government-sponsored initiatives

294. In Hong Kong, the non-Chinese residents comprise various ethnic minority groups and the distribution is given at (f) in "Land and People" in Part I General Profile Section. To enable the members of the ethnic minority community to better integrate into the community, the Government has developed a strategy that has evolved over five years. Essentially, the strategy includes public education to arouse awareness and to foster a culture of mutual tolerance and respect. It also includes practical measures to help the new arrivals adapt to life in Hong Kong and to facilitate their integration into the mainstream community.

295. The Home Affairs Bureau has set up the Equal Opportunities Funding Scheme, which allocates funding annually for community-based initiatives to promote awareness and to encourage contact between the members of the ethnic minorities and the mainstream community. Projects funded under the Scheme have included (among many others) outreach projects, empowerment programmes, and team-building / leadership training. Many of these projects focused principally on women. All of these seek actively to encourage participation by members of the ethnic minorities community and, being family-oriented, have the participation of women very much to the fore.

296. The Government sponsors non-governmental organisations to organise practical courses in Chinese and English[43]. The majority of beneficiaries are women. The Government has published a service guidebook series: 'Your Guide to Services in Hong Kong' to familiarise migrant workers, who are mostly women, with Government and non-governmental organisation services. The series are tailored to the needs of each client community and the guidebook is available in six languages[44], with two more[45] in preparation.

297. To enhance our work in this area, the Government has created a dedicated Race Relations Unit and established the Committee on the Promotion of Racial Harmony in June 2002 to formulate strategy and co-ordinate initiatives. Projects currently at the planning stage include community-based orientation courses for the minorities (including women), and a related 'train the trainers' programme for the course leaders. The courses will link into the language programmes and serve both to bring minority women (and men) together and to ensure that they are aware of the opportunities available to them in the wider community of Hong Kong. These programmes are expected to be underway from 2003.

Loans, Mortgages and Credit

298. It is unlawful for anyone who provides banking or insurance facilities to discriminate against a person on the grounds of sex. The position remains essentially the same as reported in paragraph 154 of the Initial Report.

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[43] We provide through the agency of three non-governmental organisations: Caritas, Christian Action, and the International Social Service (Hong Kong).

[44] English, Hindi, Indonesian, Nepali, Tagalog, and Thai.

[45] Singhalese and Urdu.

Recreation, Sports and Cultural Life

Arts

299. The Hong Kong Arts Development Council is the statutory body tasked with planning, promoting and supporting the broad development of the arts. It organizes and implements proactive projects involving different arts forms and provides grants to local artists and arts groups. The Leisure and Cultural Services Department is the government department responsible for the provision of, among others, cultural services and facilities to the general public.

300. In the financial year 2001-02, total expenditure for arts activities funded by the Government amounted to over HK$2.5 billion (US$0.32 billion). Women artists are treated on a par with their male peers.

Sports

301. In the financial year 2001/02, the Government spent nearly HK$3.0 billion (US$0.38 billion) on sport and recreation services. During the year, the Leisure and Cultural Services Department managed a wide range of recreation and sport facilities throughout the 18 districts and organised some 24,000 recreation and sports programmes. The Department's "Sport-for-All" policy aims to offer sports opportunities to all regardless of race, class, sex or disability.

302. The Hong Kong Sports Development Board was established as a statutory body tasked to promote and develop sport and physical recreation in Hong Kong. The Board provides funding to support programmes run by National Sports Associations and the Elite Training Programme for HKSAR's top athletes at the Hong Kong Sports Institute. Grants are made on the basis of the merit of programmes and performance of individual athletes regardless of gender.

ARTICLE 14

RURAL WOMEN

"1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including working in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

"2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

a. To participate in the elaboration and implementation of development planning at all levels;

b. To have access to adequate health care facilities, including information, counselling and services in family planning;

c. To benefit directly from social security programmes;

d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

e. To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

f. To participate in all community activities;

g. To have access to agriculture credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reforms as well as in land resettlement schemes;

h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

303. In view of the small area of the HKSAR, it is not practicable to distinguish women in the rural areas from those who live in urban areas. All parts of the HKSAR are served with electricity, water and sanitation services. Goods, services and facilities for women are provided for women in all parts of the territory. At the hearing on the Initial Report, the CEDAW Committee urged the Administration to ensure equal representation of women in rural committees. We therefore report under this Article measures undertaken to progressively eliminate discrimination against rights of female indigenous inhabitants in Hong Kong.

Definition of "Indigenous" Population in Hong Kong

304. In the context of succession of land properties in the New Territories, rent concessions, Small House Policy and rural elections, an "indigenous inhabitant" means a person who was in 1898 a resident of an established village[46] in Hong Kong or who is descended through the male line from that person.

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[46] "Established village" is defined to mean a village that was in existence in 1898 and which the Director of Lands has satisfied himself was then in existence.

Succession of Land Properties in the New Territories and Review of Land Policy

305. Section 13 of the New Territories Ordinance used to provide that in proceedings relating to land in the New Territories, the courts shall have power to recognize and enforce any Chinese custom or customary right affecting such land. New Territories land under individual ownership was inherited according to the Chinese customary law of succession. In practice, that entailed succession along the male line. The surviving widows and daughters of the deceased were maintained by the male successors as part of this tradition.

306. The New Territories Land (Exemption) Ordinance was enacted on 24 June 1994 to remove the above inhibition against women inheriting land and real estate in the New Territories. The Ordinance provides for the application of the general laws of inheritance in the New Territories. But this does not apply to the land held in the name of "tso" and "tong"[47].

Rent Concessions

307. Rent concessions in respect of certain rural properties owned by indigenous villagers are provided for under Article 122 of the Basic Law. Hence, a reservation on laws applicable in the New Territories of the HKSAR which enable male indigenous villagers to exercise certain rights in respect of property and which provide for rent concessions in respect of land or property held by indigenous persons or their lawful successors through the male line will continue to be applied (paragraph 5 of the reservations) has been entered to ensure consistency between the application of the Convention in the HKSAR and the Basic Law.

Small House Policy

308. The reservation entered also provides for the continuation of the Small House Policy under which a male indigenous villager may apply, once in his lifetime, to build a small house on his own land or Government land (if available).

309. In the Initial Report, the Committee was informed that the Government was reviewing the Policy. During the course of the review, a number of inter-related and complex issues have been identified. These issues include optimal use of land resources, sewage and infrastructural matters associated with small house developments. We consider that there is a need to review the Policy and the related issues in a comprehensive manner. We will consult various stakeholders with a view to making preliminary proposals for more in-depth discussion.

Rural Elections

310. As mentioned in paragraphs 52 – 54 of the Initial Report, there are three levels of election in the villages of the New Territories, which are the election of village representatives, Rural Committee and Heung Yee Kuk[48]. The arrangements for electing village representatives, which is the

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[47] A "tso" / "tong" is an association of persons who collectively own an area or areas of ancestral or clan land. A "tso" usually takes the name of a deceased person and is formed by the members of the same clan whereas for "tong", the persons concerned are not necessarily members of the same clan and the land is held and managed for the benefit of the "tong" members only. The intention for the foundation of "Tsos" and "Tongs" is to have the land and properties passed from generation to generation in perpetuity. The interest of a member begins when he is born and ends when he dies.

[48] Heung Yee Kuk is an advisory and consultative body established by law for the New Territories.

first level, have evolved over the time. Since 1994, a set of model rules has been in use for the election of village representatives. The rules are based on one-person-one-vote, equal voting rights for men and women, and a fixed four-year term. Women can also stand for the election. Individual villages may adapt the model rules to suit their circumstances. In 1999, the electoral arrangements were challenged in court. In the case of Chan Wah vs. Hang Hau Rural Committee, it was found that in the village of Po Toi O, the electoral arrangement contravened the Sex Discrimination Ordinance, in that husbands of female indigenous villagers were not allowed to register as voters in the elections. The Court of Final Appeal affirmed that men and women should enjoy equal rights in rural elections, and that Government has a duty not to approve persons not so elected.

311. In view of the above court ruling, the Government has enacted the Village Representative Election Ordinance to bring rural elections under statutory control. It ensures that future electoral arrangements are consistent with the requirements of the Hong Kong BORO and the SDO.

312. Village representatives make up the 27 Rural Committees, of which the Chairmen and Vice-Chairmen were elected on one-person-one-vote basis. This forms the second level of the rural electoral system. The Chairmen and Vice-Chairmen of the Rural Committees are ex-official councillors of the Heung Yee Kuk. They elect the Chairman and Vice-Chairmen of the Heung Yee Kuk on a one-person-one-vote basis. This is the third level of the rural electoral system. Women and men enjoy equal rights at both levels. Currently, there are 10 women serving as village representatives. Two women are serving as Executive Committee members of the Rural Committees whereas five are Councillors of the Heung Yee Kuk.

ARTICLE 15

EQUALITY IN LEGAL AND CIVIL MATTERS

"1. States Parties shall accord to women equality with men before the law."

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

Reservations entered in respect of this Article

313. On behalf of the HKSAR, the PRC Government has entered a declaration on Article 15, paragraph 3, of the Convention that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole. Also, a reservation has been entered on behalf of the HKSAR on the immigration legislation governing the entry into, stay in and departure from the Region contained in Article 15, paragraph 4. The position remains the same as in the Initial Report.

Women's Legal Status and Civil Rights

Bill of Rights

314. As mentioned in paragraphs 164 and 174 of the Initial Report, all the rights recognised in the Hong KongBOR, as set out in the Hong Kong BORO, are enjoyed by everyone without distinction, including sex. The position has remained unchanged since the Initial Report.

Women's rights to make contracts in their own name and to administer property

315. According to the laws of the HKSAR, a person, regardless of sex, shall attain full age on attaining the age of 18 years. Therefore, a woman who is aged 18 or above is no longer a minor and can enter into contracts and administer property in her own name. As regards public housing, as at end September 2002, about 2.1 million people (31% of the population in Hong Kong) lived in public rental housing estates. Women as well as men may apply for public housing and enter into a tenancy agreement with the relevant authorities if allocated a public housing unit.

Treatment of Women in Court

316. At common law a person is not competent (i.e. not allowed) to give evidence for or against his or her spouse except in very limited circumstances. A person is, under the present law, also not compellable (i.e. cannot be made) to give evidence against his or her spouse under any circumstances. Whilst the common law rule appears to be neutral, it is more detrimental to women than men since women are more frequently victims of violence in a marital relationship. Legislative amendments

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Annex G

Figures of Students' Participation in Schools Sports Events in Hong Kong 2001/02

Local Inter-school Sports Competitions

Level	No. of Sports	Girls	Boys
Secondary School	20	41 556	68 065
Primary School	10	24 899	33 407

Inter-port and International Schools Sports Competitions

Level	No. of Sports	Girls	Boys
Inter-port	5	38	90
International	2	30	78

have been proposed by the Administration to make a person competent to give evidence on behalf of his or her spouse or to give evidence against his or her spouse. The proposal also seeks to make a spouse a compellable witness under certain circumstances, for instance when a sexual offence is alleged to have been committed in respect of a child of the family. The proposed amendments will be considered by the legislature in detail in due course.

Access to Legal Aid

317. To ensure that people who have reasonable grounds have sufficient means to take or defend in proceedings, the Legal Aid Scheme is provided to those eligible applicants passing a means test and a merits test, regardless of whether or not they are Hong Kong residents. The eligible applicants is provided with legal representation by a solicitor and, if necessary, a barrister in civil or criminal proceedings before the courts in Hong Kong. Legal aid is available, inter alia, to cases in the District Court, the Court of First Instance, the Court of Appeal, the Court of Final Appeal. In the first nine months in 2002, more women than men applied for the legal aid services. Out of the 8,700 female applicants, 63% of them have been granted legal aid while 37% of the 6,900 applications by men have been granted legal aid.

Others

318. As mentioned in the paragraph 168 of the Initial Report, the Married Persons Status Ordinance was enacted to ensure that the status of a married women should be treated the same as a single person. The position has remained unchanged since the Initial Report.

319. Women are entitled to serve on juries as there is no restriction under the Jury Ordinance on service of jurors by women. As at end September 2002, there were a total of 301,048 persons on the Common Jurors' List of which 144,532 (48%) are female.

320. Also, Article 8 of the Hong Kong BOR and Article 12 of the ICCPR guarantee to women the same rights as men to liberty of movement and freedom to choose residence. The Law Reform Commission is considering the domicile of married women as part of a study on the grounds for determining domicile.

Appointment to the Judiciary

321. Women enjoy the same rights as men do to be appointed to the Judiciary. Assessment on suitability for judicial appointment is based on a candidate's knowledge of the law, judicial temperament, propriety of conduct and case management. The gender of the candidate is not one of the assessment criteria. The CEDAW Committee had expressed concern over the low women representation in the judiciary during the hearing of the Initial Report. A slight improvement in the situation has been noted since then. As at the end of September 2002, there were 32 females (i.e. 20%) out of a total of 162 judges and judicial officers, representing an increase from 17% in 1998.

Women in Prisons

322. The Correctional Services Department (CSD) is responsible for the safe and humane custody of persons committed by the courts to prison and the detention of persons committed for criminal proceedings. The CSD has developed over the years a penal system placing increasing importance on correction and rehabilitation of inmates. Comprehensive treatment and training

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Annex H

Students of Programmes Funded by University Grants Committee by Level of Study and Sex

Number of students

Level of Study	Sex	1997/98	1998/99	1999/2000	2000/01	2001/02
Sub-degree	F	14,603 (63.6%)	13,943 (63.6%)	13,758 (65.8%)	12,451 (66.8%)	10,299 (66%)
	M	8,375 (36.4%)	7,973 (36.4%)	7,158 (34.2%)	6,198 (33.2%)	5,316 (34%)
Undergraduate	F	24,308 (50.3%)	24,531 (51.5%)	24,919 (52.5%)	25,261 (53.1%)	25,605 (53.3%)
	M	24,037 (49.7%)	23,113 (48.5%)	22,548 (47.5%)	22,345 (46.9%)	22,449 (46.7%)
Postgraduate	F	5,386 (36.2%)	5,914 (39.5%)	6,480 (42.2%)	6,776 (44.5%)	7,007 (46%)
	M	9,493 (63.8%)	9,064 (60.5%)	8,891 (57.8%)	8,441 (55.5%)	8,236 (54%)
Total student enrolment	F	44,297 (51.4%)	44,388 (52.5%)	45,157 (53.9%)	44,488 (54.6%)	42,911 (54.4%)
	M	41,905 (48.6%)	40,150 (47.5%)	38,597 (46.1%)	36,984 (45.4%)	36,001 (45.6%)
	Total	86,202	84,538	83,754	81,472	78,912

programmes have been put in place for different classes of prisoners such as young prisoners, drug dependents, first offenders or recidivists, irrespective of their genders.

323. Some women's groups have raised concerns over the treatment of women in prisons. The provisions in law including the Prison Ordinance, Training Centres Ordinance, Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Rehabilitation Centres Ordinance, and Mental Health Ordinance, provide for an effective system to ensure that the rights of prisoners are protected and all prisoners are treated equally. Training and educational programmes and various services are provided to cater for different classes of prisoners, regardless of their genders. In some cases, special protection and treatment are provided owing to gender considerations. For example, female prisoners are in all cases kept in entirely separate facilities, or part of a prison, apart from male prisoners. Under no circumstances will a prisoner be searched by an officer of the opposite sex. Babies newly born of female inmates may stay with their mothers until they are three years old.

324. Currently, the CSD operates four female institutions and a few other facilities for female inmates. There has been a sharp upsurge in female penal population since end-2000. The increase in female inmates is mainly due to the rapid increase in imprisonment rate for those females from the Mainland charged with "breach of condition of stay". As at 1 January 2003, CSD accommodated 2,801 female inmates against a certified accommodation of 1,524. Various contingency measures have been or are being taken to address the overcrowding problem. These include the conversion of parts of a few male institutions to accommodate female prisoners and the planned construction of a new female prison. In 2001 and 2002, there was an addition of 474 female places. 432 more will come on stream by end-2005. Meanwhile, we are planning for further new facilities to provide long-term relief. Despite the increase in female prisoners, efforts have been made by the CSD to ensure that the quality of custodial and rehabilitative services are upheld.

ARTICLE 16

EQUALITY IN FAMILY LAW

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

a. The same right to enter into marriage;

b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

c. The same rights and responsibilities during marriage and its dissolution;

d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, in all cases the interests of the children shall be paramount;

e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

h. The same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

"2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

Rights in respect of Marriage and Family

Hong Kong Bill of Rights and Basic Law

325. Article 19 of the Hong Kong BOR guarantees the rights in respect of marriage and family. The Article provides that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State; the right of men and women of marriageable age to marry and to found a family shall be recognised; no marriage shall be entered into without the free and full consent of the intending spouses; spouses shall have equal rights and responsibilities as to marriage, during marriage and at its dissolution and that in the case of dissolution, provision shall be made for the necessary protection of any children. Article 37 of the Basic Law provides that the freedom of marriage of Hong Kong residents and their right to raise a family freely shall be protected by law.

Marriage Ordinance

326. As mentioned in paragraphs 177 – 180 of the Initial Report, the right of men and women to enter into monogamous marriage with their full and free consent is guaranteed under the Marriage Ordinance. Bigamy was rendered illegal under the Offences against the Person Ordinance. The Marriage Ordinance also provides that the marriageable age is 16 and for marriage under the age of 21, consent of a parent, guardian or a District Judge is necessary.

Legislation regarding Maintenance and Property Rights

327. The Separation and Maintenance Orders Ordinance and the Matrimonial Proceedings and Property Ordinance provide for the court to make orders for, among other things, maintenance as well as transfer and settlement of property pending suit for separation, divorce, nullification of marriage, etc. There is no differential treatment between women and men under the Ordinances.

Recovery of Maintenance

Maintenance Orders

328. The divorced / separated persons can either reach a maintenance agreement with their ex-spouses or apply to court for a maintenance order. The Government conducted a thematic household survey in April to June 2001 on the enforcement of order for payment of alimony and found that among those divorced / separated persons interviewed and who were expected to receive maintenance, some 57.2% reported that they had not received maintenance payment in full. Among those who had not received maintenance payment in full, only 10.9% had taken legal actions to recover the maintenance arrears and their most commonly cited reasons were "the amount of maintenance was too little" (25.5%), "thought that the ex-spouse would not pay maintenance" (20.5%), "the ex-spouse was unable to pay maintenance" (18.4%), "unable to contact the ex-spouse" (16.6%) and "application procedures for prosecution too complicated" (16.3%). More than 70% of the maintenance payees are women.

329. Earlier on, an Inter-departmental Working Group reviewed the law and administrative measures affecting persons eligible for maintenance to address the difficulties encountered by maintenance payees. In the report published in May 2000, the Working Group recommended to:

(a) relax the circumstances in which the court can issue Attachment of Income Orders;

(b) empower the court to impose a surcharge against defaulting maintenance payers;

(c) inform non-governmental organisations and professional bodies that cases of maintenance payers failing to notify the payees of changes of address can be reported to the police station nearest to the maintenance payer's last known address;

(d) synchronize the procedures in processing applications for the Comprehensive Social Security Assistance and legal aid; and

(e) undertake publicity and public education on matters relating to maintenance.

330. The improvements to the administrative measures have been implemented. To further facilitate recovery of maintenance, the Attachment of Income Orders (Amendment) Bill was passed in July 2001. An attachment of income order is a court order that requires a maintenance payer's income

source (e.g. his / her employer) to deduct maintenance payments from his / her income and pay the deduction direct to the maintenance payee. It is a means for collection of maintenance payments. It enables a maintenance payee to receive payments on time.

331. Relaxation was introduced to the Attachment of Income Order ("AIO") Scheme on 25 January 2002 through legislative amendments. Improvements to the AIO Scheme included relaxation of the circumstances under which the court can issue an AIO, as well as relaxation of the procedures and the time periods to speed up the processing in cases where the court is satisfied that it is fair and reasonable to do so.

332. The Government further introduced the Interest on Arrears of Maintenance Bill in December 2001. The Bill proposes to impose interest on maintenance arrears to compensate maintenance payees for the loss of interest on their savings or for the interest payable by them in respect of the loans they have to obtain as a result of the payer's failure to make full and punctual payment. Consideration is also being given to empower the court to impose, on application of the payee, a surcharge on maintenance arrears in case the payer is found to be of blameworthy conduct of having defaulted repeatedly without reasonable excuse. The Bill is now going through the legislative process.

Recovery of Maintenance from Overseas

333. The Maintenance Orders (Reciprocal Enforcement) Ordinance provides for the recovery of maintenance by persons in the HKSAR from persons in reciprocating countries. Again, men and women are being treated the same.

Legislation regarding Guardianship, Wardship and Adoption of Children

Adoption Ordinance

334. Under the Adoption Ordinance, women, both as parents of the infant to be adopted and as applicants for an adoption order, enjoy the same rights as their male counterparts. With a view to improving local adoption practices in Hong Kong and promoting greater co-operation with other countries in the field of inter-country adoption, legislative amendments will be introduced to the Adoption Ordinance.

The Guardianship of Minors Ordinance

335. The Guardianship of Minors Ordinance consolidates the law relating to the guardianship of minors. By the provision of the Ordinance, the court, having regard to the minor's welfare, may appoint any person to be the minor's guardian, or make orders in respect of the minor's custody, maintenance and right of access to the minor of either parent. As mentioned in paragraph 184 of the Initial Report, a mother has the same right and authority as a father does under the Guardianship of Minors Ordinance. In case the parents separate or divorce, either parent may apply to court for an order requiring the payment of maintenance for the minor by the parent who does not have custody of the minor.

Child Abduction and Custody Ordinance

336. The Convention on the Civil Aspects of International Child Abduction, which was signed at The Hague in 1980, provides an effective international mechanism for the swift return home of children wrongfully removed from their place of habitual residence to another Contracting State in violation of custodial rights. It aims to establish a consistent approach in handling the civil aspects of the growing number of international child abduction cases. The Child Abduction and Custody Ordinance (the Ordinance) was enacted in May 1997 to implement the Convention after its extension to Hong Kong. The Ordinance took effect on 5 September 1997 and it gives effect in domestic law to the Hague Convention on the Civil Aspects of International Child Abduction. The Ordinance is consistent with Article 11 of the United Nations Convention on the Rights of the Child which provides that State Parties shall take measures to combat the illicit transfer and non-return of children abroad and, to this end, shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Note: Both Annex A and Annex B will be made available to members of the Committee in the languages in which they were received.

Annex C

Major Judicial Decisions under Sex Discrimination Ordinance

A. Secretary for Justice and others v. Chan Wah, FACV No. 11 of 2000

1. In Chan Wah's case, the electoral arrangements of village representatives in Po Toi O Village were challenged, among other things, as being inconsistent with the Sex Discrimination Ordinance. Section 35(3)(c) of the Sex Discrimination Ordinance provides that:

> **"It is unlawful for a person to discriminate against another person in ...**
>
> **(c) determining the eligibility of a person to vote in elections of members of a relevant body or the holder of a relevant position or take part in the selection of the holder of a relevant position."**

2. Chan Wah was a non-indigenous villager born and brought up in Po Toi O Village and married an indigenous woman. He was excluded from voting in the village representative election on the ground that he has not indigenous, meaning that he was not a descendant of ancestors who in 1889 were residents of villages in the New Territories. Chan Wah challenged the electoral arrangement relying on Article 26 of the Basic Law and Article 21 of the Hong Kong Bill of Rights which was in analogous terms as Article 25 of the International Covenant of Civil and Political Rights (ICCPR). He further argued that he had suffered unlawful discrimination prohibited by the Sex Discrimination Ordinance since a non-indigenous villager woman married to an indigenous man could vote but not a non-indigenous man married to an indigenous woman.

3. The Court of Final Appeal ruled in favour of Chan Wah and held that arrangements which excluded a non-indigenous man who married an indigenous woman from voting were inconsistent with the Sex Discrimination Ordinance.

B. Yuen Sha Sha v. Tse Chi Pan [1999] 1 HKC 731

4. The sexual harassment law was tested in Yuen Sha Sha's case. Sexual harassment is prohibited by the Sex Discrimination Ordinance. Sexual harassment is defined in section 2(5)(a) of the Ordinance as:

> **"... a person (however described) sexually harasses a woman if —**
>
> **(a) the person —**
>
> **(i) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to her;**
>
> **(ii) engages in other unwelcome conduct of a sexual nature in relation to her,**
>
> **"in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that she would be offended, humiliated or intimidated ...".**

5. Yuen Sha Sha, the plaintiff, was a student of Shaw College of the Chinese University of Hong Kong. The defendant was also a student of the same College. The plaintiff accidentally discovered a camcorder hidden inside a paper box on top of her roommate's wardrobe. It was so placed that its lens directed at the plaintiff's wardrobe and it contained a videotape which depicted the plaintiff changing clothes. The plaintiff filed a complaint with the Equal Opportunities Commission under the Sex Discrimination Ordinance. Although there was little dispute over the facts, the defendant refused to resolve the matter at the conciliation proceedings. The District Court gave judgment for the plaintiff, holding that videotaping the plaintiff dressing and undressing without her consent was an act of sexual harassment prohibited by the Sex Discrimination Ordinance. The judge awarded $50,000 for injury to feelings, $20,000 as exemplary damages and $10,000 as aggravated damages and ordered that the defendant tender a written apology. This case has established an important precedent which other women can rely on in future.

C. Chang Ying Kwan v. Wyeth (HK) Ltd, Equal Opportunity Action 10 of 1999

6. Pregnancy discrimination is prohibited by section 8 of the Sex Discrimination Ordinance[a] and discrimination by way of victimisation is prohibited by section 9 of the Ordinance.[b] These provisions were tested in Chang Ying Kwan's case. Chang Ying Kwan, the plaintiff, was employed by the defendant. Shortly after she gave notice of pregnancy, senior employees of the defendant forced her to resign. The plaintiff refused to resign and complained to the Equal Opportunities Commission. Thereafter the plaintiff was refused salary increase and was subject to additional reporting requirement. She subsequently resigned and claimed both pregnancy discrimination and discrimination by way of victimisation.

7. The defendant's defence was that the plaintiff was monitored because of her inferior performance. Her pregnancy was a mere coincidence. The defendant also argued that other pregnant employees were not treated less favourably.

8. The Court ruled that the plaintiff was unlawfully discriminated against by the defendant because of her pregnancy. The Court held that in pregnancy discrimination, the comparator for the purpose of the 'but for' test was not another pregnant employee but a person who was a normal employee. As such, no inference could be drawn from the treatment of other pregnant employees that the plaintiff's pregnancy was not one of the reasons of the treatment she received.

9. The Court further ruled that the plaintiff was unlawfully victimised by the defendant by reason of her complaint to the Equal Opportunities Commission. The Court held that a plaintiff who complained of discrimination by way of victimisation under s 9 of the Sex Discrimination Ordinance must establish that at least one of the four acts set out in s9(1)(a)-(d) was within the knowledge of the defendant when he carried out the acts complained of. Once that had been established, in the absence of a satisfactory explanation, the plaintiff would have established on the balance of probabilities that there had been victimisation.

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[a] For a detailed description of Section 8, please refer to paragraph 2 of Part II of the Initial Report.

[b] For a detailed description of Section 9, please refer to paragraph 2 of Part II of the Initial Report.

D. Equal Opportunities Commission v. Director of Education, HCAL1555/2000

10. The Equal Opportunities Commission brought these proceedings for judicial review. It argued that the Director of Education ('the Director') managed a system for the transfer of students from primary to secondary school (called 'the SSPA' system) which discriminated against individual pupils on the basis of their sex and was therefore unlawful under the Ordinance. The Commission asserted that the SSPA system discriminated in the main against girls. However, because of the complex, gender-based construct of the system, it also could (and did) discriminate against individual boys. The Court ruled for the Commission and held that for a significant number of students gender had been (and continues to be) the sole cause of their unequal treatment. In the course of its judgment, the Court referred to Article 10 of CEDAW and reiterated that stereotyped concepts of both men and women were the wellspring from which discrimination flew. The Court held that appropriate measures should be taken to bring about their elimination.

Annex D

Various types of statistics compiled by C&SD with breakdown by sex

Nature of statistics	***Key statistics with breakdown by sex***	**Source of data**
Population	***Population*** Population pyramid *Population by age* Population by marital status Sex ratio by age	Demographic Statistics
	Vital events Number of live births Number of deaths Expectation of life at birth Infant mortality rate Crude marriage rate Median age at first marriage	Birth, Death and Marriage Statistics
	Households and families Sex of household heads Women and men living alone	Population Censuses and By-censuses
Labour	***Key labour force statistics*** Labour force participation rate Unemployment rate Underemployment rate	General Household Survey
	Basic characteristics (e.g. age, educational attainment, economic sector, occupation) of: Employed persons Unemployed persons Underemployed persons Economically inactive persons	General Household Survey

	Other key indicators Persons engaged by economic sector, size of establishment, etc.	Survey of Employment and Vacancies
Earnings	Monthly employment earnings - by economic sector - by occupation Wage and salary statistics (by selected sector and by occupation)	General Household Survey Labour Earnings Survey

Annex E

Statistics on dropout rate between male and female students (1997/98 to 2001/02)

Number of students

	Sex	1997/98	1998/99	1999/2000	2000/01	2001/02
Student enrolment	F	341,287 (48.17%)	344,721 (48.18%)	350,978 (48.23%)	355,285 (48.3%)	357,287 (48.33%)
	M	367,238 (51.83%)	370,838 (51.82%)	376,747 (51.77%)	380,310 (51.7%)	381,920 (51.67%)
	Total	708,525	715,559	727,725	735,595	739,207
No. of dropouts (Dropout rate)	F	882 (0.258%)	666 (0.193%)	594 (0.169%)	547 (0.154%)	493 (0.138%)
	M	1,117 (0.304%)	932 (0.251%)	768 (0.204%)	786 (0.207%)	785 (0.206%)
	Total	1,999 (0.282%)	1,598 (0.223%)	1,362 (0.187%)	1,333 (0.181%)	1,278 (0.173%)

Annex F

No. of schools by level by sex (2002/03)

Level	Type of Schools			Total
	Co-ed	Boys	Girls	
Primary	766	13	24	803
Secondary	415	40	44	499

Annex I

First Degree Graduates of University Grants Committee funded Programmes by Academic Programme Category and Sex

Academic Programme Category	Sex	Number of students				
		1997/98	1998/99	1999/2000	2000/01	2001/02
Medicine, dentistry & health	F	424 (49%)	585 (58%)	563 (58%)	612 (57%)	647 (59%)
	M	450 (51%)	421 (42%)	402 (42%)	465 (43%)	454 (41%)
Physical sciences	F	1,088 (37%)	1,062 (38%)	1,090 (39%)	1,078 (40%)	1,032 (39%)
	M	1,876 (63%)	1,738 (62%)	1,723 (61%)	1,592 (60%)	1,627 (61%)
Engineering & technology	F	540 (17%)	537 (18%)	662 (22%)	657 (23%)	699 (24%)
	M	2,602 (83%)	2,508 (82%)	2,344 (78%)	2,209 (77%)	2,181 (76%)
Business & management	F	2,367 (61%)	2,455 (64%)	2,501 (64%)	2,468 (65%)	2,387 (64%)
	M	1,505 (39%)	1,386 (36%)	1,435 (36%)	1,336 (35%)	1,336 (36%)
Social sciences	F	1,357 (71%)	1,352 (72%)	1,366 (72%)	1,396 (73%)	1,351 (70%)
	M	555 (29%)	529 (28%)	534 (28%)	517 (27%)	579 (30%)
Arts & humanities	F	1,511 (81%)	1,334 (79%)	1,315 (79%)	1,306 (79%)	1,403 (78%)
	M	363 (19%)	359 (21%)	346 (21%)	339 (21%)	396 (22%)
Education	F	274 (73%)	248 (74%)	218 (69%)	239 (76%)	259 (76%)
	M	102 (27%)	86 (26%)	98 (31%)	77 (24%)	81 (24%)
Total	F	7,561 (50%)	7,573 (52%)	7,715 (53%)	7,755 (54%)	7,779 (54%)
	M	7,453 (50%)	7,027 (48%)	6,884 (47%)	6,535 (46%)	6,654 (46%)
	Total	15,014	14,600	14,599	14,290	14,433

Graduates of University Grants Committee funded Postgraduate Programmes by Academic Programme Category and Sex

		Number of students				
Academic Programme Category	Sex	1997/98	1998/99	1999/2000	2000/01	2001/02
Medicine, dentistry & health	F	107 (48%)	157 (55%)	157 (50%)	163 (53%)	179 (62%)
	M	116 (52%)	129 (45%)	160 (50%)	144 (47%)	108 (38%)
Physical sciences	F	190 (25%)	206 (25%)	274 (28%)	314 (32%)	328 (32%)
	M	557 (75%)	618 (75%)	714 (72%)	660 (68%)	695 (68%)
Engineering & technology	F	123 (12%)	162 (14%)	207 (16%)	220 (18%)	295 (21%)
	M	927 (88%)	980 (86%)	1,098 (84%)	1,027 (82%)	1,084 (79%)
Business & management	F	391 (35%)	511 (39%)	493 (43%)	516 (42%)	481 (44%)
	M	725 (65%)	813 (61%)	661 (57%)	718 (58%)	610 (56%)
Social sciences	F	422 (55%)	428 (55%)	482 (61%)	538 (62%)	620 (62%)
	M	342 (45%)	356 (45%)	313 (39%)	334 (38%)	376 (38%)
Arts & humanities	F	231 (67%)	267 (66%)	291 (65%)	343 (71%)	386 (67%)
	M	113 (33%)	140 (34%)	159 (35%)	139 (29%)	194 (33%)
Education	F	647 (58%)	764 (56%)	977 (62%)	1,134 (65%)	1,284 (67%)
	M	477 (42%)	589 (44%)	605 (38%)	620 (35%)	621 (33%)
Total	F	2,111 (39%)	2,496 (41%)	2,882 (44%)	3,228 (47%)	3,573 (49%)
	M	3,256 (61%)	3,624 (59%)	3,710 (56%)	3,642 (53%)	3,687 (51%)
	Total	5,367	6,120	6,592	6,870	7,260

Annex J

Trainees Enrolled in Vocational Training Courses offered by the Vocational Training Council (2001/02)

Training Courses	Trainees Enrolled	
	Total (No.)	Female (%)
Retail Trade	5,287	67.2
Import/Export and Wholesale Trades	2,687	61.7
Financial Services	25,925	55.7
Hospitality Industry	2,380	53.8
Textile Industry	1,778	53.3
Chinese Cuisine	1,523	51.7
Management Development	5,514	50.2
Jewellery Industry	298	46.6
Information Technology	9,532	35.0
Printing Industry	1,214	26.2
Plastic and Tooling Technology	5,567	13.7
Machine Shop and Metal Working Industry	2,429	13.3
Electronics Industry	2,992	10.2
Seamen's	7,703	6.2
Electrical Industry	6,242	5.5
Welding	3,570	1.8
Gas Industry	1,140	1.7
Automobile Industry	1,512	0.4
Total	87,293	36.1

Annex K

Ratio of female to male teachers, 2001

	Male	Female	Ratio
Kindergarten			
Local	41	8,737	1:213
International	13	324	1:25
Primary			
Local Ordinary	5,127	17,711	1:3.5
ESF	77	212	1:2.8
International	204	585	1:2.9
Secondary			
Local Ordinary	11,248	13,218	1:1.2
ESF	207	251	1:1.2
International	316	320	1:1.0
Special, Skills opportunity and Practical schools	540	1,089	1:2.0

Note: Figures refer to the position as at Oct. 2001.

Annex L

Number of Academic Staff by Grade by Sex of University Grants Committee funded Institutions

Academic staff grade	Sex	1997/98	1998/99	1999/2000	2000/01	2001/02
Professor	F	20 (6%)	20 (6%)	19 (6%)	22 (7%)	27 (8%)
	M	297 (94%)	298 (94%)	288 (94%)	299 (93%)	313 (92%)
Reader	F	21 (8%)	32 (12%)	32 (11%)	32 (11%)	31 (10%)
	M	227 (92%)	230 (88%)	250 (89%)	254 (89%)	290 (90%)
Senior Lecturer (U)	F	85 (15%)	87 (14%)	88 (14%)	89 (15%)	87 (15%)
	M	490 (85%)	531 (86%)	534 (86%)	524 (85%)	504 (85%)
Principal Lecturer (P)	F	13 (25%)	21 (37%)	22 (35%)	23 (34%)	26 (39%)
	M	39 (75%)	36 (63%)	41 (65%)	44 (66%)	41 (61%)
Senior Lecturer (P)	F	65 (34%)	66 (33%)	68 (33%)	68 (33%)	67 (33%)
	M	129 (66%)	136 (67%)	136 (67%)	140 (67%)	137 (67%)
Lecturer (U)	F	594 (22%)	658 (23%)	584 (23%)	592 (23%)	595 (23%)
	M	2,124 (78%)	2,264 (77%)	1,983 (77%)	2,024 (77%)	1,992 (77%)
Lecturer (P)	F	327 (38%)	319 (41%)	305 (42%)	324 (41%)	314 (44%)
	M	532 (62%)	457 (59%)	415 (58%)	462 (59%)	406 (56%)
Assistant Lecturer	F	45 (36%)	79 (37%)	56 (38%)	51 (40%)	109 (46%)
	M	81 (64%)	133 (63%)	92 (62%)	76 (60%)	130 (54%)

Annex M

Persons aged 10 and over who had used PC and Internet services in the twelve months before the second quarter of 2002 by age and sex

Age Group	PC Usage Rate (%)		Internet Usage Rate (%)	
	Male	Female	Male	Female
10 – 14	96.1	96.3	89.3	90.6
15 – 24	91.9	92.7	88.8	89.6
25 – 34	75.9	76.3	70.2	68.2
35 – 44	62.3	55.0	53.4	44.4
45 – 54	35.9	26.5	29.6	20.4
55 – 64	17.5	9.5	13.3	7.4
65 or above	4.2	1.5	3.0	1.0
Overall	55.9	52.3	50.3	46.2

Source: Census and Statistics Department (December 2002). *Thematic Household Survey No. 10 --- Information Technology Usage and Penetration*

Annex N

Labour force by sex and by age (%) (excluding foreign domestic helpers)

	2001			2002		
Age	**Male**	**Female**	**Total**	**Male**	**Female**	**Total**
15-19	1	1	2	1	1	2
20-29	12	11	23	12	10	22
30-39	17	13	30	16	13	29
40-49	18	10	28	18	11	29
50-59	10	4	14	10	5	15
60 and above	3	1	4	3	1	4
Overall	61	39	100	59	41	100

Notes : As it is not possible to exclude foreign domestic helpers from the statistics before 2001, comparisons with the figures prior to that year cannot be made.

* Figures may not add up exactly to the total due to rounding.

Source : General Household Survey.

Annex O

Labour force participation rate by sex and by age (excluding foreign domestic helpers)

	2001	2002
Male		
15-19	17.1	18.0
20-29	84.7	83.8
30-39	97.4	97.4
40-49	96.3	95.8
50-59	85.6	84.6
60 and above	20.2	19.4
Overall	72.9	72.5
Female		
15-19	14.7	15.6
20-29	77.2	77.7
30-39	67	68.7
40-49	56.4	59.3
50-59	41.3	43.7
60 and above	3.8	4.5
Overall	47.3	48.7
Both sexes		
15-19	15.9	16.8
20-29	81.0	80.8
30-39	81.5	82.1
40-49	76.6	77.6
50-59	64.7	64.9
60 and above	11.7	11.7
Overall	60.1	60.5

Note : As it is not possible to exclude foreign domestic helpers from the statistics before 2001, comparisons with the figures prior to that year cannot be made.

Source : General Household Survey.

Annex P

Employed persons
by educational attainment and by sex (%)
(excluding foreign domestic helpers)

	2001			2002		
	Male	**Female**	**Total**	**Male**	**Female**	**Total**
No schooling/ kindergarten	1	2	1	1	2	1
Primary	17	14	16	16	14	15
Secondary/ Matriculation	58	56	57	58	54	56
Tertiary	24	28	26	26	30	28
Total*	100	100	100	100	100	100

Notes : As it is not possible to exclude foreign domestic helpers from the statistics before 2001, comparisons with the figures prior to that year cannot be made.

* Figures may not add up exactly to the total due to rounding.

Source : General Household Survey.

Annex Q

Unemployment rate and underemployment rate by sex (%) (excluding foreign domestic helpers)

Unemployment rate

	2001	2002
Male	6.0	8.4
Female	4.4	6.8
Overall	5.4	7.7

Underemployment rate

	2001	2002
Male	3.1	3.7
Female	1.9	2.4
Overall	2.6	3.2

Note :As it is not possible to exclude foreign domestic helpers from the statistics before 2001, comparisons with the figures prior to that year cannot be made.

Source : General Household Survey.

Annex R

Proportion of females in total employment
by major occupation category (%)
(excluding foreign domestic helpers)

	2001	2002
Managers, administrators and professionals and associate professionals	35	36
of which :		
Managers and administrators	25	26
Professionals	33	35
Associate professionals	40	42
Clerks	73	74
Service workers and shop sales workers	46	48
Craft and related workers	3	4
Plant and machine operators and assemblers	14	13
Elementary occupations	43	45
Others	28	31
Total	40	41

Note :As it is not possible to exclude foreign domestic helpers from the statistics before 2001, comparisons with the figures prior to that year cannot be made.

Source : General Household Survey.

Annex S

Proportion of females in total employment by major economic sector (%) (excluding foreign domestic helpers)

	2001	2002
Manufacturing	36	37
Construction	7	8
Wholesale, retail and import/export trades, restaurants and hotels	49	50
Transport, storage and communications	21	21
Financing, insurance, real estate and business services	41	40
Community, social and personal services	54	56
Overall	40	41

Note : As it is not possible to exclude foreign domestic helpers from the statistics before 2001, comparisons with the figures prior to that year cannot be made.

Source : General Household Survey.